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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 34

[Docket No. OCC–2025–0306]

RIN 1557–AF39

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Docket No. R–1878]

RIN 7100–AH12

CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Part 1026

Appraisals for Higher-Priced Mortgage Loans Exemption Threshold

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC); Board of Governors of the Federal Reserve System (Board); and Consumer Financial Protection Bureau (Bureau).

ACTION: Final rules and official interpretations.

SUMMARY: The OCC, the Board, and the Bureau are finalizing amendments to the official interpretations for their regulations that implement section 129H of the Truth in Lending Act (TILA). Section 129H of TILA establishes special appraisal requirements for “higher-risk mortgages,” termed “higher-priced mortgage loans” or “HPMLs” in the agencies’ regulations. A December 2013 rulemaking exempted transactions of \$25,000 or less and required that this loan amount be adjusted annually based on any annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W). Based on the CPI–W in effect as of June 1, 2025, the exemption threshold will increase from \$33,500 to \$34,200, effective January 1, 2026.

DATES: This final rule is effective January 1, 2026.

FOR FURTHER INFORMATION CONTACT:

OCC: Maria Riegger, Counsel, Chief Counsel’s Office, at (202) 649–5490. If you are deaf, hard of hearing, or have a speech disability, please dial 711 to access telecommunications relay services.

Board: Lorna M. Neill, Senior Counsel, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, at (202) 452–3667. For users of text telephone systems (TTY) or any TTY-based Telecommunications Relay Services, please call 711 from any telephone, anywhere in the United States.

Bureau: Dave Gettler, Paralegal Specialist, Office of Regulations, at 202–435–7700 or at: <https://reginquiries.consumerfinance.gov/>. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) amended TILA to add special appraisal requirements for “higher-risk mortgages.”¹ In January 2013, the OCC, the Board, the Bureau, the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), and the Federal Housing Finance Agency (FHFA) (collectively, the Agencies) jointly issued a final rule implementing these requirements and adopted the term “higher-priced mortgage loan” (HPML) instead of “higher-risk mortgage” (January 2013 Final Rule).² In July 2013, the Agencies proposed additional exemptions from the January 2013 Final Rule.³ In December 2013, the Agencies issued a supplemental final rule with additional exemptions from the January 2013 Final Rule (December 2013 Supplemental Final Rule).⁴ Among other exemptions, the Agencies adopted an exemption from the new HPML appraisal rules for transactions of

\$25,000 or less, to be adjusted annually for inflation.

The OCC’s, Board’s, and Bureau’s versions of the January 2013 Final Rule and December 2013 Supplemental Final Rule and corresponding official interpretations are substantively identical. The FDIC, NCUA, and FHFA adopted the Bureau’s version of the regulations under the January 2013 Final Rule and December 2013 Supplemental Final Rule.⁵

The OCC’s, Board’s, and Bureau’s regulations,⁶ and their accompanying official interpretations,⁷ provide that the exemption threshold for smaller loans will be adjusted effective January 1 of each year based on any annual percentage increase in the CPI–W that was in effect on the preceding June 1. Any increase in the threshold amount will be rounded to the nearest \$100 increment. For example, if the annual percentage increase in the CPI–W would result in a \$950 increase in the threshold amount, the threshold amount will be increased by \$1,000. However, if the annual percentage increase in the CPI–W would result in a \$949 increase in the threshold amount, the threshold amount will be increased by \$900. If there is no annual percentage increase in the CPI–W, the OCC, the Board, and the Bureau will not adjust the threshold amounts from the prior year.⁸

On November 30, 2016, the OCC, the Board, and the Bureau published a final rule in the **Federal Register** to memorialize the calculation method used by the OCC, the Board, and the Bureau each year to adjust the exemption threshold to ensure that the values for the exemption threshold keep pace with the CPI–W (HPML Small Dollar Adjustment Calculation Rule).⁹ The HPML Small Dollar Adjustment Calculation Rule memorialized the

⁵ See NCUA: 12 CFR 722.3; FHFA: 12 CFR part 1222. Although the FDIC adopted the Bureau’s version of the regulation, the FDIC did not issue its own regulation containing a cross-reference to the Bureau’s version. See 78 FR 10368 at 10370.

⁶ 12 CFR 34.203(b)(2) (OCC); 12 CFR 226.43(b)(2) (Board); and 12 CFR 1026.35(c)(2)(ii) (Bureau).

⁷ 12 CFR part 34, appendix C to subpart G, comment 203(b)(2)–1 (OCC); 12 CFR part 226, supplement I, comment 43(b)(2)–1 (Board); and 12 CFR part 1026, supplement I, comment 35(c)(2)(ii)–1 (Bureau).

⁸ See 12 CFR part 34, appendix C to subpart G, comment 203(b)(2)–1 and –2 (OCC); 12 CFR part 226, supplement I, comment 43(b)(2)–1 and –2 (Board); and 12 CFR part 1026, supplement I, comment 35(c)(2)(ii)–1 and –2 (Bureau).

⁹ See 81 FR 86250 (Nov. 30, 2016).

¹ Public Law 111–203, sec. 1471, 124 Stat. 1376, 2185–87 (2010), codified at TILA sec. 129H, 15 U.S.C. 1639h.

² 78 FR 10368 (Feb. 13, 2013).

³ 78 FR 48548 (Aug. 8, 2013).

⁴ 78 FR 78520 (Dec. 26, 2013).

policy that, if there is no annual percentage increase in the CPI-W, the OCC, Board, and Bureau will not adjust the exemption threshold from the prior year. The HPML Small Dollar Adjustment Calculation Rule also provided that, in years following a year in which the exemption threshold was not adjusted because there was a decrease in the CPI-W from the previous year, the threshold is calculated by applying the annual percentage change in the CPI-W to the dollar amount that would have resulted, after rounding, if the decreases and any subsequent increases in the CPI-W had been taken into account. If the resulting amount calculated, after rounding, is greater than the current threshold, then the threshold effective January 1 the following year will increase accordingly; if the resulting amount calculated, after rounding, is equal to or less than the current threshold, then the threshold effective January 1 the following year will not change, but future increases will be calculated based on the amount that would have resulted, after rounding.

II. 2026 Adjustment and Official Interpretations Revision

Effective January 1, 2026, the exemption threshold amount is increased from \$33,500 to \$34,200. This amount is based on the CPI-W in effect on June 1, 2025, which was reported on May 13, 2025 (based on April 2025 data).¹⁰ The CPI-W is a subset of the CPI-U index (based on all urban consumers) and represents approximately 30 percent of the U.S. population. The CPI-W reported on May 13, 2025, reflects a 2.1 percent increase in the CPI-W from April 2024 to April 2025. Accordingly, the 2.1 percent increase in the CPI-W from April 2024 to April 2025 results in an exemption threshold amount of \$34,200, after rounding. The OCC, the Board, and the Bureau are revising the official interpretations to their respective regulations to add new comments as follows:

- Comment 203(b)(2)–3.xiii to 12 CFR part 34, appendix C to subpart G (OCC);
- Comment 43(b)(2)–3.xiii to supplement I of 12 CFR part 226 (Board); and
- Comment 35(c)(2)(ii)–3.xiii to supplement I of 12 CFR part 1026 (Bureau).

¹⁰ The Bureau of Labor Statistics calculates consumer-based indices for each month but does not report those indices until the middle of the following month. As such, the most recently reported indices as of June 1, 2025, were reported on May 13, 2025, and reflect economic conditions in April 2025.

These new comments state that, from January 1, 2026, through December 31, 2026, the threshold amount is \$34,200. These revisions are effective January 1, 2026.

III. Regulatory Analysis

Administrative Procedure Act

Under the Administrative Procedure Act (APA), notice and opportunity for public comment are not required if the agency finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest.¹¹ The amendments in this rule are technical and apply the method previously memorialized in the December 2013 Supplemental Final Rule and the HPML Small Dollar Adjustment Calculation Rule. For these reasons, the OCC, the Board, and the Bureau have determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. Therefore, the amendments are adopted in final form.

Section 553(d) of the APA generally requires publication of a final rule not less than 30 days before its effective date, except in the case of (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) as otherwise provided by the agency for good cause found and published with the rule.¹² At a minimum, the OCC, the Board, and the Bureau have determined that the amendments fall under the third exception to section 553(d). The OCC, the Board, and the Bureau find that there is good cause to make the amendments effective on January 1, 2026. The amendments in this final rule are technical and non-discretionary, and apply the method previously established in the regulations for determining adjustments to the threshold.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.¹³ As noted previously, the OCC, the Board, and the Bureau have determined that it is unnecessary to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

¹¹ 5 U.S.C. 553(b)(B).

¹² 5 U.S.C. 553(d).

¹³ 5 U.S.C. 603(a), 604(a).

Paperwork Reduction Act

The OCC, the Board, and the Bureau reviewed this final rule in accordance with the Paperwork Reduction Act of 1995.¹⁴ The OCC, the Board, and the Bureau have determined that this rule does not create any new information collections or substantially revise any existing collections.

Unfunded Mandates Reform Act

The OCC analyzes proposed rules for the factors listed in section 202 of the Unfunded Mandates Reform Act of 1995, before promulgating a final rule for which a general notice of proposed rulemaking was published.¹⁵ As discussed above, the OCC has determined that the publication of a general notice of proposed rulemaking is unnecessary.

Executive Order 12866

The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) has determined that this action is not a "significant regulatory action" under Executive Order 12866, as amended.

Bureau Congressional Review Act Statement

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Bureau will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to the rule taking effect. The Office of Information and Regulatory Affairs has designated this rule as not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

12 CFR Part 34

Accounting, Banks, Banking, Consumer protection, Credit, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth-in-lending.

12 CFR Part 226

Advertising, Appraisal, Appraiser, Consumer protection, Credit, Federal Reserve System, Reporting and recordkeeping requirements, Truth-in-lending.

12 CFR Part 1026

Advertising, Banks, Banking, Consumer protection, Credit, Credit unions, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth-in-lending.

¹⁴ 44 U.S.C. 3506; 5 CFR part 1320.

¹⁵ 2 U.S.C. 1532.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Authority and Issuance

For the reasons set forth in the preamble, the OCC amends 12 CFR part 34 as set forth below:

PART 34—REAL ESTATE LENDING AND APPRAISALS

- 1. The authority citation for part 34 is revised to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 25b, 29, 93a, 371, 1462a, 1463, 1464, 1465, 1701j–3, 1828(o), 3331 *et seq.*, 5101 *et seq.*, 5412(b)(2)(B) and 15 U.S.C. 1639h.

- 2. In appendix C to subpart G, under *Section 34.203—Appraisals for higher-priced mortgage loans*, paragraph 34.203(b)(2) is revised to read as follows:

Appendix C to Subpart G—OCC Interpretations

* * * * *

Section 34.203—Appraisals for Higher-Priced Mortgage Loans

* * * * *

Paragraph 34.203(b)(2).

Threshold amount. For purposes of § 34.203(b)(2), the threshold amount in effect during a particular period is the amount stated in comment 203(b)(2)–3 for that period. The threshold amount is adjusted effective January 1 of each year by any annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) that was in effect on the preceding June 1. Comment 203(b)(2)–3 will be amended to provide the threshold amount for the upcoming year after the annual percentage change in the CPI–W that was in effect on June 1 becomes available. Any increase in the threshold amount will be rounded to the nearest \$100 increment. For example, if the annual percentage increase in the CPI–W would result in a \$950 increase in the threshold amount, the threshold amount will be increased by \$1,000. However, if the annual percentage increase in the CPI–W would result in a \$949 increase in the threshold amount, the threshold amount will be increased by \$900.

2. **No increase in the CPI–W.** If the CPI–W in effect on June 1 does not increase from the CPI–W in effect on June 1 of the previous year, the threshold amount effective the following January 1 through December 31 will not change from the previous year. When this occurs, for the years that follow, the threshold is calculated based on the annual percentage change in the CPI–W applied to the dollar amount that would have resulted, after rounding, if decreases and any subsequent increases in the CPI–W had been taken into account.

i. **Net increases.** If the resulting amount calculated, after rounding, is greater than the current threshold, then the threshold effective January 1 the following year will increase accordingly.

ii. **Net decreases.** If the resulting amount calculated, after rounding, is equal to or less than the current threshold, then the threshold effective January 1 the following year will not change, but future increases will be calculated based on the amount that would have resulted.

3. **Threshold.** For purposes of § 34.203(b)(2), the threshold amount in effect during a particular period is the amount stated in the following for that period.

i. From January 18, 2014, through December 31, 2014, the threshold amount is \$25,000.

ii. From January 1, 2015, through December 31, 2015, the threshold amount is \$25,500.

iii. From January 1, 2016, through December 31, 2016, the threshold amount is \$25,500.

iv. From January 1, 2017, through December 31, 2017, the threshold amount is \$25,500.

v. From January 1, 2018, through December 31, 2018, the threshold amount is \$26,000.

vi. From January 1, 2019, through December 31, 2019, the threshold amount is \$26,700.

vii. From January 1, 2020, through December 31, 2020, the threshold amount is \$27,200.

viii. From January 1, 2021, through December 31, 2021, the threshold amount is \$27,200.

ix. From January 1, 2022, through December 31, 2022, the threshold amount is \$28,500.

x. From January 1, 2023, through December 31, 2023, the threshold amount is \$31,000.

xi. From January 1, 2024, through December 31, 2024, the threshold amount is \$32,400.

xii. From January 1, 2025, through December 31, 2025, the threshold amount is \$33,500.

xiii. From January 1, 2026, through December 31, 2026, the threshold amount is \$34,200.

4. **Qualifying for exemption—in general.** A transaction is exempt under § 34.203(b)(2) if the creditor makes an extension of credit at consummation that is equal to or below the threshold amount in effect at the time of consummation.

5. **Qualifying for exemption—subsequent changes.** A transaction does not meet the condition for an exemption under § 34.203(b)(2) merely because it is used to satisfy and replace an existing exempt loan unless the amount of the new extension of credit is equal to or less than the applicable threshold amount. For example, assume a closed-end loan that qualified for a § 34.203(b)(2) exemption at consummation in year one is refinanced in year ten and that the new loan amount is greater than the threshold amount in effect in year ten. In these circumstances, the creditor must comply with all of the applicable requirements of § 34.203 with respect to the year ten transaction if the original loan is satisfied and replaced by the new loan unless another exemption from the requirements of § 34.203 applies. *See* § 34.203(b) and (d)(7).

* * * * *

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Authority and Issuance

For the reasons set forth in the preamble, the Board amends Regulation Z, 12 CFR part 226, as set forth below:

PART 226—TRUTH IN LENDING (REGULATION Z)

- 3. The authority citation for part 226 continues to read as follows:

Authority: 12 U.S.C. 3806; 15 U.S.C. 1604, 1637(c)(5), 1639(l), and 1639h; Pub. L. 111–24, section 2, 123 Stat. 1734; Pub. L. 111–203, 124 Stat. 1376.

- 4. In supplement I to part 226, under *Section 226.43—Appraisals for Higher-Risk Mortgage Loans*, paragraph 43(b)(2) is revised to read as follows:

Supplement I to Part 226—Official Staff Interpretations

* * * * *

Section 226.43—Appraisals for Higher-Risk Mortgage Loans

* * * * *

Paragraph 43(b)(2).

1. **Threshold amount.** For purposes of § 226.43(b)(2), the threshold amount in effect during a particular period is the amount stated in comment 43(b)(2)–3 for that period. The threshold amount is adjusted effective January 1 of each year by any annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) that was in effect on the preceding June 1. Comment 43(b)(2)–3 will be amended to provide the threshold amount for the upcoming year after the annual percentage change in the CPI–W that was in effect on June 1 becomes available. Any increase in the threshold amount will be rounded to the nearest \$100 increment. For example, if the annual percentage increase in the CPI–W would result in a \$950 increase in the threshold amount, the threshold amount will be increased by \$1,000. However, if the annual percentage increase in the CPI–W would result in a \$949 increase in the threshold amount, the threshold amount will be increased by \$900.

2. **No increase in the CPI–W.** If the CPI–W in effect on June 1 does not increase from the CPI–W in effect on June 1 of the previous year, the threshold amount effective the following January 1 through December 31 will not change from the previous year. When this occurs, for the years that follow, the threshold is calculated based on the annual percentage change in the CPI–W applied to the dollar amount that would have resulted, after rounding, if decreases and any subsequent increases in the CPI–W had been taken into account.

i. **Net increases.** If the resulting amount calculated, after rounding, is greater than the current threshold, then the threshold effective January 1 the following year will increase accordingly.

ii. **Net decreases.** If the resulting amount calculated, after rounding, is equal to or less

than the current threshold, then the threshold effective January 1 the following year will not change, but future increases will be calculated based on the amount that would have resulted.

3. *Threshold.* For purposes of § 226.43(b)(2), the threshold amount in effect during a particular period is the amount stated in the following for that period.

i. From January 18, 2014, through December 31, 2014, the threshold amount is \$25,000.

ii. From January 1, 2015, through December 31, 2015, the threshold amount is \$25,500.

iii. From January 1, 2016, through December 31, 2016, the threshold amount is \$25,500.

iv. From January 1, 2017, through December 31, 2017, the threshold amount is \$25,500.

v. From January 1, 2018, through December 31, 2018, the threshold amount is \$26,000.

vi. From January 1, 2019, through December 31, 2019, the threshold amount is \$26,700.

vii. From January 1, 2020, through December 31, 2020, the threshold amount is \$27,200.

viii. From January 1, 2021, through December 31, 2021, the threshold amount is \$27,200.

ix. From January 1, 2022, through December 31, 2022, the threshold amount is \$28,500.

x. From January 1, 2023, through December 31, 2023, the threshold amount is \$31,000.

xi. From January 1, 2024, through December 31, 2024, the threshold amount is \$32,400.

xii. From January 1, 2025, through December 31, 2025, the threshold amount is \$33,500.

xiii. From January 1, 2026, through December 31, 2026, the threshold amount is \$34,200.

4. *Qualifying for exemption—in general.* A transaction is exempt under § 226.43(b)(2) if the creditor makes an extension of credit at consummation that is equal to or below the threshold amount in effect at the time of consummation.

5. *Qualifying for exemption—subsequent changes.* A transaction does not meet the condition for an exemption under § 226.43(b)(2) merely because it is used to satisfy and replace an existing exempt loan unless the amount of the new extension of credit is equal to or less than the applicable threshold amount. For example, assume a closed-end loan that qualified for a § 226.43(b)(2) exemption at consummation in year one is refinanced in year ten and that the new loan amount is greater than the threshold amount in effect in year ten. In these circumstances, the creditor must comply with all of the applicable requirements of § 226.43 with respect to the year ten transaction if the original loan is satisfied and replaced by the new loan unless another exemption from the requirements of § 226.43 applies. *See* § 226.43(b) and (d)(7).

* * * * *

CONSUMER FINANCIAL PROTECTION BUREAU

Authority and Issuance

For the reasons set forth in the preamble, the Bureau amends Regulation Z, 12 CFR part 1026, as set forth below:

PART 1026—TRUTH IN LENDING (REGULATION Z)

■ 5. The authority citation for part 1026 is revised to read as follows:

Authority: 12 U.S.C. 2601, 2603–2605, 2607, 2609, 2617, 3353, 5511, 5512, 5532, 5581; 15 U.S.C. 1601 *et seq.*

■ 6. In supplement I to part 1026, under *Section 1026.35—Requirements for Higher-Priced Mortgage Loans*, paragraph 35(c)(2)(ii) is revised to read as follows:

Supplement I to Part 1026—Official Interpretations

* * * * *

Section 1026.35—Requirements for Higher-Priced Mortgage Loans

* * * * *

Paragraph 35(c)(2)(ii).

1. *Threshold amount.* For purposes of § 1026.35(c)(2)(ii), the threshold amount in effect during a particular period is the amount stated in comment 35(c)(2)(ii)–3 for that period. The threshold amount is adjusted effective January 1 of each year by any annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) that was in effect on the preceding June 1. Comment 35(c)(2)(ii)–3 will be amended to provide the threshold amount for the upcoming year after the annual percentage change in the CPI–W that was in effect on June 1 becomes available. Any increase in the threshold amount will be rounded to the nearest \$100 increment. For example, if the annual percentage increase in the CPI–W would result in a \$950 increase in the threshold amount, the threshold amount will be increased by \$1,000. However, if the annual percentage increase in the CPI–W would result in a \$949 increase in the threshold amount, the threshold amount will be increased by \$900.

2. *No increase in the CPI–W.* If the CPI–W in effect on June 1 does not increase from the CPI–W in effect on June 1 of the previous year, the threshold amount effective the following January 1 through December 31 will not change from the previous year. When this occurs, for the years that follow, the threshold is calculated based on the annual percentage change in the CPI–W applied to the dollar amount that would have resulted, after rounding, if decreases and any subsequent increases in the CPI–W had been taken into account.

i. *Net increases.* If the resulting amount calculated, after rounding, is greater than the current threshold, then the threshold effective January 1 the following year will increase accordingly.

ii. *Net decreases.* If the resulting amount calculated, after rounding, is equal to or less than the current threshold, then the threshold effective January 1 the following year will not change, but future increases will be calculated based on the amount that would have resulted.

3. *Threshold.* For purposes of § 1026.35(c)(2)(ii), the threshold amount in effect during a particular period is the amount stated in the following for that period.

i. From January 18, 2014, through December 31, 2014, the threshold amount is \$25,000.

ii. From January 1, 2015, through December 31, 2015, the threshold amount is \$25,500.

iii. From January 1, 2016, through December 31, 2016, the threshold amount is \$25,500.

iv. From January 1, 2017, through December 31, 2017, the threshold amount is \$25,500.

v. From January 1, 2018, through December 31, 2018, the threshold amount is \$26,000.

vi. From January 1, 2019, through December 31, 2019, the threshold amount is \$26,700.

vii. From January 1, 2020, through December 31, 2020, the threshold amount is \$27,200.

viii. From January 1, 2021, through December 31, 2021, the threshold amount is \$27,200.

ix. From January 1, 2022, through December 31, 2022, the threshold amount is \$28,500.

x. From January 1, 2023, through December 31, 2023, the threshold amount is \$31,000.

xi. From January 1, 2024, through December 31, 2024, the threshold amount is \$32,400.

xii. From January 1, 2025, through December 31, 2025, the threshold amount is \$33,500.

xiii. From January 1, 2026, through December 31, 2026, the threshold amount is \$34,200.

4. *Qualifying for exemption—in general.* A transaction is exempt under § 1026.35(c)(2)(ii) if the creditor makes an extension of credit at consummation that is equal to or below the threshold amount in effect at the time of consummation.

5. *Qualifying for exemption—subsequent changes.* A transaction does not meet the condition for an exemption under § 1026.35(c)(2)(ii) merely because it is used to satisfy and replace an existing exempt loan unless the amount of the new extension of credit is equal to or less than the applicable threshold amount. For example, assume a closed-end loan that qualified for a § 1026.35(c)(2)(ii) exemption at consummation in year one is refinanced in year ten and that the new loan amount is greater than the threshold amount in effect in year ten. In these circumstances, the creditor must comply with all of the applicable requirements of § 1026.35(c) with respect to the year ten transaction if the original loan is satisfied and replaced by the new loan unless another exemption from the

requirements of § 1026.35(c) applies. See § 1026.35(c)(2) and (c)(4)(vii).

* * * * *

Jonathan V. Gould,
Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority.

Benjamin W. McDonough,
Deputy Secretary of the Board.

Russell Vought,
Acting Director, Consumer Financial Protection Bureau.

[FR Doc. 2025-22875 Filed 12-15-25; 8:45 am]

BILLING CODE 4810-33-P; 6210-01-P; 4810-AM-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-5385; Project Identifier MCAI-2025-01589-R; Amendment 39-23213; AD 2025-25-05]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Deutschland GmbH (AHD) Model BO-105A, BO-105C, BO-105S, BO-105LS A-3, MBB-BK 117 A-3, MBB-BK 117 A-4, MBB-BK 117 B-1, MBB-BK 117 B-2, and MBB-BK 117 C-1 helicopters. This AD was prompted by a report of a crack found on the fork lever of the mixing lever assembly. This AD requires visually inspecting the fork lever for cracks and the mixing lever assembly for missing components, damage, or corrosion. Depending on the results of these inspections, this AD requires taking corrective action and reporting the results of the inspection to the manufacturer. Lastly, this AD prohibits installing affected fork levers unless certain requirements are met. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 31, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 31, 2025.

The FAA must receive comments on this AD by January 30, 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-2025-5385; 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 final rule, 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 final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADS@easa.europa.eu; internet easa.europa.eu. You may find the EASA 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 Pkwy., 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](https://www.regulations.gov) under Docket No. FAA-2025-5385.

FOR FURTHER INFORMATION CONTACT:

Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222-5225; email: steven.r.warwick@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under **ADDRESSES**. Include “Docket No. FAA-2025-5385; Project Identifier MCAI-2025-01589-R” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, 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 final rule 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 final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent Steven Warwick, 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 2025-0217, dated October 1, 2025 (EASA AD 2025-0217) (also referred to as the MCAI), to correct an unsafe condition on AHD Model BO105 A, BO105 C, BO105 D, BO105 S, BO105 LS A-3 (including helicopters modified in accordance with EASA Supplemental Type Certificate (STC) 10039633), or previously by LBA STC EMZ NR. 0654/3058 (so called “Superlifter”), MBB-BK 117 A-3, MBB-BK 117 A-4, MBB-BK 117 B-1, MBB-BK 117 B-2, and MBB-BK 117 C-1 helicopters. The MCAI states that there was a report of a crack on the fork lever of a Model MBB-BK117 helicopter. The MCAI further states that due to similarity of design, the same unsafe condition could also affect Model BO105 helicopters. EASA considers this MCAI an interim action and further action may follow.

The FAA is issuing this AD to detect and address any cracks on the fork lever, which could result in failure of the fork lever, and consequent loss of control of the helicopter.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–5385.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0217, which specifies procedures for inspecting certain part-numbered fork levers for cracks and inspecting the mixing lever assembly for certain conditions (missing components, damage, or corrosion). Based on the inspection results, EASA AD 2025–0217 specifies procedures for replacing affected parts and reporting the inspection results to the manufacturer. Additionally, EASA AD 2025–0217 prohibits installing an affected fork lever 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 AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2025–0217, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD. See “Differences Between this AD and the MCAI and Referenced Material” for a discussion of the general differences included in this AD.

Differences Between This AD and the MCAI and Referenced Material

The MCAI applies to AHD Model BO105 D helicopters, whereas this AD

does not because that model does not have an FAA type certificate.

Where the material referenced in EASA AD 2025–0217 does not specify instructions if there are any doubts on the result from the visual inspection, create a Technical Event (TE) on WebTEK for further instructions, this AD requires, before further flight, performing a borescope inspection on the fork lever if there is a line having no visible gap or misalignment.

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, EASA AD 2025–0217 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025–0217 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0217 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 2025–0217. Material required by EASA AD 2025–0217 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–5385 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to

make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because the affected component is part of an assembly that is critical to the flight control of a helicopter, such that if a failure occurs in the affected part, loss of control of a helicopter could occur. The FAA has no information pertaining to the extent of fatigue of the affected component that may currently exist in helicopters or how quickly the condition may propagate to failure. Thus, the affected helicopters must be inspected no later than 30 days with higher usage helicopters in a shorter period of time if utilized more than 110 hours time-in-service in 30 days. This compliance time is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Interim Action

The FAA considers that this AD is an interim action. This unsafe condition is still under investigation by the manufacturer and, depending on the results of that investigation, the FAA may consider further rulemaking action.

Costs of Compliance

The FAA estimates that this AD affects 40 helicopters of U.S. registry.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect the fork lever	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$3,400

The FAA estimates the following costs to do any repairs or replacements that would be required based on the

results of the inspection. The agency has no way of determining the number of

helicopters that might need these repairs or replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace fork lever	8 work-hours × \$85 per hour = \$680	\$11,641	\$12,321.
Inspect mixing lever assembly	Up to 6 work-hours × \$85 per hour = \$510	0	Up to \$510.
Replace mixing lever assembly	1 work-hour × \$85 per hour = \$85	22,103	\$22,188.
Replace mixing lever ball bearings	8 work-hours × \$85 per hour = \$680	334	\$1,014.
Report inspection results	1 work-hour × \$85 per hour = \$85	0	\$85.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2025-25-05 Airbus Helicopters

Deutschland GmbH (AHD): Amendment 39-23213; Docket No. FAA-2025-5385; Project Identifier MCAI-2025-01589-R.

(a) Effective Date

This airworthiness directive (AD) is effective December 31, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH (AHD) Model BO-105A, BO-105C, BO-105S, BO-105LS A-3, MBB-BK 117 A-3, MBB-BK 117 A-4, MBB-BK 117 B-1, MBB-BK 117 B-2, and MBB-BK 117 C-1 helicopters, including those Model BO-105LS A-3 helicopters with FAA Supplemental Type Certificate (STC) SR00043RD installed, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6700; Rotorcraft Flight Control.

(e) Unsafe Condition

This AD was prompted by a report of a crack on the fork lever of the mixing lever assembly. The FAA is issuing this AD to detect and address any cracks on the fork lever, which could result in failure of the fork lever and consequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation

Safety Agency AD 2025–0217, dated October 1, 2025 (EASA AD 2025–0217).

(h) Exceptions to EASA AD 2025–0217

(1) Where EASA AD 2025–0217 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0217 specifies compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where paragraph (1) of EASA AD 2025–0217 specifies “for condition”, this AD requires replacing that text with “for missing locking devices, deformation, scratches, scrapes, gouges, missing surface finish, bearing play, bearing roughness, or corrosion”.

(4) Where paragraph (3) of EASA AD 2025–0217 specifies any discrepancy, for the purpose of this AD a discrepancy can be defined as any missing components, damage (missing locking devices, deformation, scratches, scrapes, gouges, missing surface finish, bearing play, bearing roughness), or corrosion.

(5) Where the material referenced in EASA AD 2025–0217 specifies “In case of any doubts on the result from the visual inspection, create a Technical Event (TE) on WebTEK for further instructions”, this AD requires replacing that text with “if there is a line having no visible gap or misalignment, before further flight, perform a borescope inspection on the fork lever to determine if the line is a scratch or a crack”.

(6) Where the material referenced in EASA AD 2025–0217 specifies discarding parts, this AD does not require that action.

(7) Where paragraph (4) of EASA AD 2025–0217 specifies to report the inspection results to AHD and that the ASB [Alert Service Bulletin] provides instructions which constitute an acceptable method to comply, for this AD, report results directly to Airbus Helicopters within 10 days after accomplishing the inspection required by this AD.

(8) Where the material referenced in EASA AD 2025–0217 specifies “If the inspection shows no irregular results, proceed with Section 3.B.3”, this AD does not require this action.

(9) This AD does not adopt the “Remarks” section of EASA AD 2025–0217.

(i) Special Flight Permits

Special flight permits are prohibited.

(j) 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 responsible Flight Standards 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 (k) 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 responsible Flight Standards Office.

(k) Additional Information

For more information about this AD, contact Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5225; email: steven.r.warwick@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 the AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2025–0217, dated October 1, 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 Pkwy., 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 December 10, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–22848 Filed 12–11–25; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–1187; Airspace Docket No. 24–AWP–84]

RIN 2120–AA66

Modification and Revocation of Class E Airspace; Hawaiian Islands, HI; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action is the second of two corrections to a final rule the FAA published in the **Federal Register** on November 26, 2025, that modified Class E airspace extending upward from 700 feet above the surface and the Class E airspace area designated as an extension to a Class D or Class E surface area at

Ellison Onizuka Kona International at Keahole Airport (KOA), Kailua-Kona, HI. This action makes ministerial corrections to geographic coordinates. The first correction, published in the **Federal Register** on December 11, 2025, did not fully implement all of the needed corrections.

DATES: The effective date of the final rule published in the **Federal Register** on November 26, 2025 (90 FR 54228) remains January 22, 2026, 0901 UTC. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11, Airspace Designations and Reporting Points, and publication of conforming amendments.

ADDRESSES: A copy of the notice of proposed rulemaking (NPRM), all comments received, the final rule, the first final rule correction, this final rule correction, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from www.federalregister.gov.

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:

Keith Adams, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–2428.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (90 FR 54228; November 26, 2025), which modified the Class E airspace area extending upward from 700 feet or more above the surface and Class E airspace area designated as an extension to a Class D or Class E surface area at KOA. Subsequent to publication, and following a recent survey, the FAA amended the geographic coordinates for KOA. Accordingly, the updated geographic location will now serve as the point of origin from which the Class E airspace area boundaries are derived, no longer requiring reference to the

Point in Space Alpha fix that appeared in the KOA's airspace legal description in the final rule. The previous correction failed to fully implement these corrections. This action addresses the remaining corrections needed.

Correction to the Final Rule

Accordingly, pursuant to the authority delegated to me, FAA Docket No. 2025–1187, published in the **Federal Register** on November 26, 2025 (90 FR 54228), FR Doc. 2025–21291, is corrected as follows:

§ 71.1 [Corrected]

■ 1. On page 54230, in the first column under the heading “AWP HI E4 Kailua-Kona, HI [Amended]”, the text is corrected to read as follows:

AWP HI E4 Kailua-Kona, HI [Amended]

Ellison Onizuka Kona International at Keahole Airport, HI
(Lat. 19°44'20" N, long. 156°02'44" W)

That airspace extending upward from the surface within 2.8 miles each side of the airport's 186° bearing extending from the airport's 4.3-mile radius to 5.7 miles south, and within 3.6 miles each side of the airport's 002° bearing extending from the airport's 4.3-mile radius to 9.5 miles north.

■ 2. On page 54230, in the second column, under the heading “AWP HI E5 Kailua-Kona, HI, [Amended]”, the text is corrected to read as follows:

AWP HI E5 Kailua-Kona, HI [Amended]

Ellison Onizuka Kona International at Keahole Airport, HI
(Lat. 19°44'20" N, long. 156°02'44" W)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of the airport, and within 4 miles each side of the airport's 002° bearing extending from the 7.4-mile radius to 11 miles north; and that airspace extending upward from 1,200 feet above the surface within 12 miles off the coastline of the Island of Hawaii.

Issued in Des Moines, Washington, on December 11, 2025.

B.G. Chew,

Group Manager, Western Service Center, Operations Support Group.

[FR Doc. 2025–22841 Filed 12–15–25; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Chapter I

[3038–AF64]

Withdrawal of Interpretive Guidance: Retail Commodity Transactions Involving Certain Digital Assets

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of withdrawal of Commission interpretive guidance.

SUMMARY: The Commodity Futures Trading Commission (the “Commission” or “CFTC”) is withdrawing the final interpretative guidance published on June 24, 2020, titled “Retail Commodity Transactions Involving Certain Digital Assets.”

DATES: The Commission is withdrawing the final interpretive guidance published at 85 FR 37734 (June 24, 2020) as of December 10, 2025.

FOR FURTHER INFORMATION CONTACT: Rahul Varma, Acting Director, (202) 418–5353, rvarma@cftc.gov, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

On June 24, 2020, the Commission published in the **Federal Register** final interpretive guidance concerning the term “actual delivery” as set forth in the Commodity Exchange Act (“CEA”) ¹ pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Dodd-Frank Act”).² Specifically, the final interpretive guidance was issued to inform the public of the Commission's views when determining whether actual delivery has occurred in the context of retail commodity transactions in certain types of digital assets that serve as a medium of exchange, colloquially known as “virtual currencies” (the “Final VC Actual Delivery Guidance”).³

II. Withdrawal of Final Interpretive Guidance

The Commission has determined to withdraw the Final VC Actual Delivery Guidance in order to reevaluate such guidance in light of further developments during the past five years in the means and methods deployed in the spot market for the purchase and sale of virtual currencies and the derivatives markets connected to such spot market. The Commission has further determined that withdrawal is appropriate based on the findings and recommendations for the CFTC contained in the report of the President's Working Group on Digital Asset Markets, Strengthening American Leadership in Digital Financial Technology,⁴ established by Executive

Order 14178.⁵ After careful review, the Commission believes that the Final VC Actual Delivery Guidance is likely outdated and thus provides limited value to market participants and, further, may conflict with the ongoing work of the Commission necessary to implement the President's Working Group's recommendations.

III. Executive Order 12866

The Office of Management and Budget has determined that this action is not a significant regulatory action as defined in Executive Order 12866, as amended, and therefore it was not subject to Executive Order 12866 review.

Pursuant to the Congressional Review Act,⁶ the Office of Information and Regulatory Affairs has designated this rule as not a “major rule,” as defined by 5 U.S.C. 804(2).

Issued in Washington, DC, on December 11, 2025, by the Commission.

Christopher Kirkpatrick,
Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Withdrawal of Interpretive Guidance: Retail Commodity Transactions Involving Certain Digital Assets—Commission Voting Summary

On this matter, Acting Chairman Pham voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2025–22872 Filed 12–15–25; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–1604]

Schedules of Controlled Substances: Extension of Temporary Placement of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA in Schedule I of the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Temporary scheduling order; extension.

SUMMARY: The Administrator of the Drug Enforcement Administration is issuing

Financial Technology at 141, available at: <https://www.whitehouse.gov/crypto/>.

⁵ Executive Order 14178, *Strengthening American Leadership in Digital Financial Technology*, 90 FR 8647 sections 1, 4 (Jan. 31, 2025).

⁶ 5 U.S.C. 801 *et seq.*

¹ 17 U.S.C. 1 *et seq.*

² *Retail Commodity Transactions Involving Certain Digital Assets*, 85 FR 37734 (June 24, 2020).

³ *Id.* at 37741–37743.

⁴ President's Working Group report on Strengthening American Leadership in Digital

this temporary scheduling order to extend the temporary schedule I status of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA. The schedule I status of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA is in effect through December 12, 2025. This temporary order will extend the temporary scheduling of these four substances for one year, or until the permanent scheduling action for these substances is completed, whichever occurs first. As a result of this order, the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances will continue to be imposed on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA.

DATES: This temporary scheduling order, which extends schedule I control of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA covered by an order (88 FR 86040, December 12, 2023), is effective December 12, 2025, and expires on December 12, 2026. If DEA publishes a final rule making this scheduling action permanent, this order will expire on the effective date of that rule, if the effective date is earlier than December 12, 2026.

FOR FURTHER INFORMATION CONTACT: Dr. Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3249.

SUPPLEMENTARY INFORMATION: In this order, the Drug Enforcement Administration (DEA) extends the temporary scheduling of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA in schedule I of the Controlled Substances Act (CSA), including their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, within the specific chemical designation:

- 4F-MDMB-BUTICA (other names: 4F-MDMB-BICA; methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate)
- ADB-4en-PINACA (other name: *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamide)
- 5F-EDMB-PICA (other names: 5F-EDMB-2201; ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate)

- MMB-FUBICA (other name: methyl 2-(1-(4-fluorobenzyl)-1*H*-indole-3-carboxamido)-3-methyl butanoate)

Background and Legal Authority

On December 12, 2023, pursuant to 21 U.S.C. 811(h)(1), DEA published an order in the **Federal Register** temporarily placing 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA in schedule I of the CSA based upon a finding that these substances posed an imminent hazard to the public safety.¹ That temporary order was effective upon the date of publication. Pursuant to 21 U.S.C. 811(h)(2), the temporary scheduling of a substance expires at the end of two years from the date of issuance of the scheduling order, except that DEA may extend temporary scheduling of that substance for up to one year during the pendency of proceedings under 21 U.S.C. 811(a)(1) with the respect to the temporarily controlled substance. In this instance, the temporary scheduling of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA expires on December 12, 2025, unless extended.

Proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of DEA pursuant to 28 CFR 0.100) on her own motion, at the request of the Secretary of the Department of Health and Human Services (HHS), or on the petition of any interested party.² The Administrator of DEA, on his own motion pursuant to 21 U.S.C. 811(a), has initiated proceedings under 21 U.S.C. 811(a)(1) to permanently schedule 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA. DEA is publishing a notice of proposed rulemaking elsewhere in this issue of

the **Federal Register** for the permanent placement of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA in schedule I. If that proposed rule is finalized, DEA will publish a final rule in the **Federal Register** to make permanent the schedule I status of these substances.

Pursuant to 21 U.S.C. 811(h)(2), the Administrator orders that the temporary scheduling of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA and their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, be extended for one year, or until the permanent scheduling proceeding is completed, whichever occurs first.

Regulatory Matters

The CSA provides for an expedited temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety.³ This provision of the CSA allows the Attorney General, by order, to temporarily place substances in schedule I.⁴ The same subsection also provides that the temporary scheduling of a substance shall expire at the end of two years from the date of the issuance of the order scheduling such substance, except that the Attorney General may, during the pendency of proceedings to permanently schedule the substance under 21 U.S.C. 811(a)(1), extend the temporary scheduling for up to one year.

To the extent that 21 U.S.C. 811(h) directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued and extended, the notice and comment requirements of the Administrative Procedure Act (APA) at 5 U.S.C. 553, do not apply to this extension of the temporary scheduling action. The APA expressly differentiates between orders and rules, as it defines an “order” to mean a “final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making.”⁵ This contrasts with permanent scheduling actions, which are subject to formal rulemaking procedures done “on the record after opportunity for a hearing,” and final decisions that conclude the scheduling process and are subject to judicial review.⁶ The specific language chosen by Congress indicates an intention for DEA to proceed through the issuance of

¹ *Schedules of Controlled Substances: Temporary Placement of MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA into Schedule I*, 88 FR 86040 (Dec. 12, 2023).

² 21 U.S.C. 811(a). As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), FDA acts as the lead agency within HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. *Memorandum of Understanding with the National Institute on Drug Abuse*, 50 FR 9518 (Mar. 8, 1985). Because the Secretary has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations, see *Comprehensive Drug Abuse Prevention and Control Act of 1970*, Public Law 91-513, As Amended; *Delegation of Authority*, 58 FR 35460 (July 1, 1993), for purposes of this temporary order, all subsequent references to “Secretary” have been replaced with “Assistant Secretary.”

³ 21 U.S.C. 811(h).

⁴ *Id.*

⁵ 5 U.S.C. 551(6) (emphasis added).

⁶ 21 U.S.C. 811(a) and 877.

an order instead of proceeding by rulemaking. Given that Congress specifically requires the Attorney General to follow rulemaking procedures for other kinds of scheduling actions,⁷ it is noteworthy that, in subsection 811(h), Congress authorized the issuance of temporary scheduling actions by order rather than by rule.

In the alternative, even if this action were subject to 5 U.S.C. 553, the Administrator finds that there is good cause under 5 U.S.C. 553(b)(B) and (d)(3) to forgo the notice-and-comment requirements and the delayed effective date requirements of such section, as any further delays in the process for extending the temporary scheduling order would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety that these substances would present if scheduling expired, for the reasons expressed in the temporary scheduling order.⁸

Further, DEA believes that this order extending the temporary scheduling action is not a “rule” as defined by 5 U.S.C. 601(2) and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, DEA is not required by the APA at 5 U.S.C. 553 or any other law to publish a general notice of proposed rulemaking. Therefore, in this instance, since DEA believes this temporary scheduling action is not a “rule,” it is not subject to the requirements of the RFA when issuing this temporary action.

In addition, in accordance with the principles of Executive Orders (E.O.) 12866 and 13563, this action is not a significant regulatory action. E.O. 12866 directs agencies to assess all 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). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866. E.O. 12866, sec. 3(f), provides the definition of a “significant regulatory action,” requiring review by the Office

of Management and Budget. Because this is not a rulemaking action, this is not a significant regulatory action as defined in subsection 3(f) of E.O. 12866. DEA scheduling actions are not subject to either E.O. 14192, Unleashing Prosperity Through Deregulation, or E.O. 14294, Fighting Overcriminalization in Federal Regulations.

This action will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 13132 (Federalism), it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA) is inapplicable, as it applies only to rules. However, if this were a rule, pursuant to the CRA, “any rule for which an agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the federal agency promulgating the rule determines.”⁹ Nonetheless, DEA has submitted a copy of this temporary order to both Houses of Congress and to the Comptroller General, although such filing is not required under the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act), 5 U.S.C. 801–808 because, as noted above, this action is an order, not a rule.

It is in the public interest to maintain the temporary placement of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA, including their salts, isomers, and salts of isomers, in schedule I because they pose a public health risk. The temporary scheduling action was taken pursuant to 21 U.S.C. 811(h), which is specifically designed to enable DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. Under 21 U.S.C. 811(h), temporary scheduling orders are not subject to notice and comment rulemaking procedures. For the same reasons that underlie 21 U.S.C. 811(h), that is, the need to keep these four substances in schedule I because they pose an imminent hazard to public safety, it would be contrary to the public interest to delay implementation of this extension of the temporary scheduling order. Further, public notice and comment is impracticable in the amount

of time remaining before expiration of the temporary scheduling order and considering the manifest urgency to avoid an imminent hazard to the public safety that these substances would present if scheduling expired, for the reasons expressed in the temporary scheduling order. Therefore, in accordance with section 808(2) of the CRA, this order extending the temporary scheduling order for four synthetic cannabinoids, currently covered under the temporary order, shall take effect immediately upon its publication.

Signing Authority

This document of the Drug Enforcement Administration was signed on December 10, 2025, by Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–22960 Filed 12–12–25; 4:15 pm]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[TD 10039]

RIN 1545–BQ13

Entities Wholly Owned by Indian Tribal Governments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final rule.

SUMMARY: This document contains final regulations regarding the Federal tax classification of entities wholly owned by Indian Tribal governments (Tribes). The final regulations provide that entities that are wholly owned by Tribes and organized or incorporated under the laws of one or more of the Tribes that own them generally are not recognized as separate entities for Federal tax purposes. The final regulations also provide that such entities, as well as certain Tribal corporations chartered by

⁷ See 21 U.S.C. 811(a).

⁸ See *Schedules of Controlled Substances: Temporary Placement of MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA into Schedule I*, 88 FR 86040 (Dec. 12, 2023).

⁹ 5 U.S.C. 808(2).

the Department of the Interior (DOI), are recognized as separate entities for Federal employment and certain Federal excise tax purposes. In addition, the final regulations provide that, for purposes of making elective payment elections (including determining eligibility for and the consequences of such elections) for energy credits under the Inflation Reduction Act of 2022, each of these types of Tribal entities is treated as an instrumentality of one or more Indian Tribal governments.

DATES:

Effective date: These regulations are effective on January 15, 2026.

Applicability dates: For dates of applicability, see §§ 301.7701–1(f) and 1.6417–1(q).

FOR FURTHER INFORMATION CONTACT:

Concerning the final regulations, contact Iris Chung of the Office of Associate Chief Counsel (Passthroughs, Trusts, and Estates) at (202) 317–5279 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Authority

This document contains amendments to provisions of 26 CFR part 1 (Income Tax Regulations) under section 6417 of the Internal Revenue Code (Code) and 26 CFR part 301 (Procedure and Administration Regulations) under section 7701 of the Code that address the Federal tax treatment of certain Tribal entities wholly owned by one or more Indian Tribal governments¹ (final regulations).

Section 6417(h) provides an express delegation of authority to the Secretary of the Treasury or the Secretary's delegate (Secretary) relating to elective payment elections under section 6417 (section 6417 elections), stating, “[t]he Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including guidance to ensure that the amount of the payment or deemed payment made under this section is commensurate with the amount of the credit that would be otherwise

allowable (determined without regard to section 38(c)).”

Section 7701(a)(40) provides an express delegation of authority to the Secretary related to identifying Indian Tribal governments for Federal tax purposes, stating, “[t]he term ‘Indian tribal government’ means the governing body of any tribe, band, community, village, or group of Indians, or (if applicable) Alaska Natives, which is determined by the Secretary, after consultation with the Secretary of the Interior, to exercise governmental functions.”

Finally, section 7805(a) of the Code provides an express delegation of authority to the Secretary to “prescribe all needful rules and regulations for the enforcement of [the Code], including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.”

Background

I. Overview of Prior Guidance

The Federal government has long recognized the unique aspects of Tribal sovereignty and Tribal sovereign immunity. Tribes themselves are not subject to Federal income tax under the Code.² IRS guidance on the issue in the 1960s raised questions about the extent to which Tribal corporations incorporated under section 17 of the Indian Reorganization Act of 1934 (IRA), as amended, 25 U.S.C. 5124 (section 17 corporations) or under section 3 of the Oklahoma Indian Welfare Act, as amended, 25 U.S.C. 5203 (section 3 corporations) should share the Tribe's Federal income tax status. In response, the IRS published further guidance and issued proposed regulations in 1996 on the treatment of section 17 corporations and section 3 corporations for Federal tax purposes. See the notice of proposed rulemaking, *Simplification of Entity Classification Rules* (PS–43–95), published in the **Federal Register** (61 FR 21989) on May 13, 1996 (explaining the basis for the proposed rule later adopted in § 301.7701–1(a)(3)).

On December 18, 1996, the Department of the Treasury (Treasury Department) and the IRS published final

regulations (TD 8697) in the **Federal Register** (61 FR 66584) under section 7701, known as the entity classification regulations. These regulations (at § 301.7701–1(a)(3)) make clear that entities formed under local laws are not always recognized as separate entities for Federal tax purposes. For example, an organization wholly owned by a State is not recognized as a separate entity for Federal tax purposes if it is an integral part of the State. Similarly, these regulations (until their amendment by this Treasury decision) provided that section 17 corporations and section 3 corporations are not recognized as separate entities for Federal tax purposes. These regulations, however, did not specifically address whether an entity organized or incorporated under Tribal law and wholly owned by a Tribe (that is, a wholly owned Tribal entity) is recognized as a separate entity for Federal tax purposes.

The preamble to TD 8697 stated that the IRS received a number of comments asking for clarification of the tax treatment of wholly owned Tribal entities. 61 FR 66584. The preamble also indicated that the Treasury Department and the IRS continued to study the issue and would issue additional guidance, if necessary. *Id.* at 66585–86.

II. Tribal Consultation

Over the past several decades, Tribes have sought clarity concerning the Federal tax status of wholly owned Tribal entities, in part to provide certainty for Tribal economic development and to support the generation of revenue for Indian Tribal governments. To obtain Tribal input on the issue before publishing the proposed regulations, and in accordance with Executive Order 13175 (November 6, 2000), “Consultation and Coordination with Indian Tribal Governments,” and the Treasury Department's Tribal Consultation Policy (80 FR 57434, September 23, 2015), *superseded by* Treasury Order 112–04 (November 22, 2023), the Treasury Department and the IRS held Tribal consultations on the issue on June 21 and June 22, 2023, October 8 and 10, 2019, and a listening session on December 3, 2019.

During Tribal consultations, Tribes have explained that they view incorporating corporations under Tribal law as an exercise of their inherent sovereign authority to generate governmental revenue, self-govern the use of that revenue according to their own laws, and self-determine the use of that revenue for their citizenry. Tribes highlighted that incorporating corporations under Tribal law enables

¹ The term “Indian Tribal government,” also referred to as a “Tribe” herein, is defined as a federally recognized Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, Public Law 103–454, 108 Stat. 4791 (List Act). Pursuant to the List Act, the Secretary of the Interior is required to publish annually a list of all federally recognized Tribes. This definition is also consistent with Revenue Procedure 2008–55 (2008–39 I.R.B. 768), which provides that the Treasury Department and the IRS utilize current or future lists of federally recognized Tribes published annually under the List Act by the DOI Bureau of Indian Affairs, for identification of Indian Tribal governments for purposes of section 7701(a)(40). See 89 FR 944 (January 8, 2024) for the most current list published by the DOI, Bureau of Indian Affairs.

² See Rev. Rul. 67–284, 1967–2 C.B. 55. However, Tribes generally are subject to Federal employment taxes. Employment taxes refers to Federal Insurance Contributions Act (FICA) (consisting of both social security and Medicare taxes), Federal Unemployment Tax Act (FUTA), and Income Tax Withholding. Section 3306(c)(7) of the Code provides an exception from FUTA taxes under certain circumstances. Further, subject to applicable law, including statutes (such as section 7871 of the Code) and treaties or agreements with the United States, Tribes are subject to Federal excise taxes. See Rev. Rul. 94–81, 1994–2 C.B. 412.

Tribes to create entities that meet their emerging revenue opportunities, establish guidelines for the operation of these entities that are culturally appropriate and protect Tribal assets, and dissolve them when they are no longer needed. Tribes also highlighted that clarifying the status of corporations incorporated under Tribal law is consistent with recent Federal policy to promote Tribal sovereignty, self-governance, and self-determination in economic development activities.

In contrast, Tribes highlighted that section 17 and section 3 corporations are not always sufficient to meet their needs. The incorporation process for these entities is a lengthy multi-step Federal process that subjects Tribal authority to Federal oversight and approval and results in increased administrative costs to Tribes. In addition, an act of Congress is required to dissolve the chartered entity.

This issue has taken on increased salience in recent years with the enactment of laws that extend greater access to capital and new economic opportunities to certain governments (including Indian Tribal governments), tax-exempt organizations, and other entities. Tribes have reiterated their requests for guidance through meetings of the Treasury Tribal Advisory Committee and other Tribal consultations.

III. Proposed Regulations

In light of the considerations of Tribal sovereignty and self-determination described previously, on October 9, 2024, the Treasury Department and the IRS published a notice of proposed rulemaking (REG–113628–21) in the **Federal Register** (89 FR 81871), which provided proposed guidance under sections 6417 and 7701 (proposed regulations). See the preamble to the proposed regulations for additional information regarding the developments leading to this rulemaking.

The proposed regulations proposed to amend the existing section 7701 regulations to make clear that entities wholly owned by Tribes and organized, incorporated, or authorized under the laws of the Tribes that own them generally are not recognized as separate entities for Federal tax purposes. As has been the case with Tribes and section 17 corporations or section 3 corporations, the proposed regulations proposed that an entity wholly owned by one or more Indian Tribal governments, within the meaning of section 7701(a)(40), that is organized or incorporated under the laws of the Tribe or Tribes that own the entity, or organized or incorporated under the laws of one or more of the

owning Tribes and authorized by all of the other owning Tribes (wholly owned Tribal entity), would not be recognized as a separate entity for Federal tax purposes (and thus not subject to Federal income tax). The use of the term “organized” includes the creation of Tribal entities other than corporations. For instance, a single member limited liability company (LLC) organized under the laws of the Tribe that owns the LLC would be a wholly owned Tribal entity covered by the proposed regulations. Accordingly, such wholly owned entities generally would be viewed as one and the same as the Tribes that own them for Federal income tax purposes and therefore are not subject to Federal income tax.

In addition, the proposed regulations proposed to amend the existing section 6417 regulations to provide that wholly owned Tribal entities, section 17 corporations, and section 3 corporations are treated, for purposes of making section 6417 elections (including determining eligibility for and the consequences of such elections), as instrumentalities of the Indian Tribal government(s) that wholly own them. As a result, the wholly owned Tribal entity itself, rather than the Indian Tribal government(s) owning the entity, would be required to make a section 6417 election for an applicable credit determined with respect to any applicable credit property held directly by the wholly owned Tribal entity.

A. Wholly Owned Tribal Entity Requirements Under Proposed Regulations

1. Tribal Law

The proposed regulations recognized that Tribal law is established by each individual Tribe. The notice of proposed rulemaking stated that, where multiple Tribes work together to establish an entity that is owned by more than one Tribe, each Tribe would need to provide for the entity under its own laws.

2. Wholly Owned

The notice of proposed rulemaking noted that, as is the case for determining the ownership of all corporations (including a corporation wholly owned by a State or other government), the determination of whether an outside investor (a person other than a Tribe) holds equity in a Tribal entity, such that it would fail to be wholly owned by one or more Indian Tribal governments for Federal tax purposes, would take into account principles of Federal tax law, such as the substance over form

doctrine, debt versus equity analyses, and the economic substance doctrine.

Under the proposed regulations, an entity could satisfy the wholly owned requirement through a multi-Tribe ownership structure, so long as the entity is organized or incorporated under each Tribe’s laws. Proposed § 301.7701–1(a)(4)(iii)(D) (*Example 4*) illustrates an example of the organizational structure of such an entity.

The proposed regulations did not address an entity formed under Tribal law that was not also wholly owned by one or more Indian Tribal governments for Federal tax purposes.

IV. Elective Payment Elections

Under 26 CFR 1.6417–1(f) as of April 1, 2025, section 17 corporations and section 3 corporations were treated as “disregarded entities” for purposes of section 6417, and the applicable entity owner of a disregarded entity that directly holds applicable credit property was required to make a section 6417 election for applicable credits determined with respect to such property pursuant to § 1.6417–2(a)(1)(ii). Under the proposed regulations, for purposes of making a section 6417 election (including determining eligibility for and the consequences of such election), entities described in proposed § 301.7701–1(a)(4)(i) (that is, section 17 corporations, section 3 corporations, and wholly owned Tribal entities), would be treated as instrumentalities of Indian Tribal governments. This change would mean that an entity described in proposed § 301.7701–1(a)(4)(i) that directly owns applicable credit property, rather than the entity’s owner or owners, would make the section 6417 election. Such an entity generally would do so by filing a Form 990–T, *Exempt Organization Business Income Tax Return*, as described in § 1.6417–1(b)(2), using its own name and employer identification number.

Given that proposed § 301.7701–1(a)(4)(i) generally provided that an entity owned by multiple Tribes is not recognized as a separate entity from those Tribes for Federal income tax purposes, treating the entity as a “disregarded entity” for section 6417 purposes would have required each of the entity’s owners to make a section 6417 election with respect to an applicable credit determined with respect to an applicable credit property owned directly by the entity. That approach would have been administratively burdensome and complex for the Tribes that own the entity as well as for the IRS. Given the

need for coordination among these Tribes in making consistent tax filings, that approach could also have resulted in cases in which the amount of the total payments or deemed payments claimed under section 6417 might not be commensurate with the amount of the underlying credit. In addition, even for an entity owned by a single Tribe, the entity directly owning the applicable credit property may be better positioned to fulfill the pre-filing registration and other requirements to make the section 6417 election. Accordingly, the proposed regulations were intended to simplify the filing obligations for Tribes and their wholly owned entities and ensure that the amount of any payment or deemed payment made under section 6417 will be commensurate with the amount of the credit that would be otherwise allowable.

In general, the determination of whether an entity is an agency or instrumentality is analyzed on a facts and circumstances basis. In determining whether an entity is an agency or instrumentality for Federal tax purposes, Federal courts have applied the six-factor test in Rev. Rul. 57-128, 1957-1 C.B. 311, which generally provides guidance on whether an entity is an instrumentality for purposes of the exemptions from employment taxes under sections 3121(b)(7) and 3306(c)(7) of the Code. See, e.g., *Rose v. Long Island Railroad Pension Plan*, 828 F.2d 910, 918 (2d Cir. 1987), cert. denied, 485 U.S. 936 (1988); *Berini v. Federal Reserve Bank of St. Louis, Eighth District*, 37 Employee Benefits Cas. 1072, 420 F. Supp. 2d 1021 (E.D. Mo. 2005).

The special rule in proposed § 1.6417-1(c)(7) is informed in part by administrative considerations and would be issued under the express delegation of authority in section 6417(h) to promulgate rules that carry out the purposes of section 6417 and ensure that the amount of the payment or deemed payment made thereunder is commensurate with the amount of the underlying credit. No inferences should be drawn from the instrumentality treatment in proposed § 1.6417-1(c)(7) as to whether any particular entity is or is not an instrumentality for any other Federal tax purpose.

Summary of Comments and Explanation of Revisions

The Treasury Department and the IRS conducted Tribal consultations on December 16-18, 2024, to obtain additional input on questions involving the proposed regulations. The content of these consultations is published in a

Tribal consultation summary available at: <https://home.treasury.gov/system/files/136/Tax-Status-of-Tribally-Chartered-Corporations-Consultation-Summary.pdf>. In addition, the Treasury Department and the IRS received written comments in response to the proposed regulations. A public hearing on the proposed regulations was held on January 17, 2025. Copies of written comments and the list of speakers at the public hearing are available at <https://www.regulations.gov> or upon request.

After full consideration of all comments received on the proposed regulations, including through the Tribal consultations, and the testimony presented at the public hearing, this Treasury decision adopts the proposed regulations as final regulations with clarifying changes and modifications as described in this Summary of Comments and Explanation of Revisions. Overall, commenters largely supported the proposed regulations' recognition of a Tribe's inherent authority to create businesses under Tribal law and that wholly owned Tribal entities should have parity with federally chartered Tribal corporations.

Section I of this Summary of Comments and Explanation of Revisions addresses the comments and revisions applicable to § 301.7701-1. Section II of this Summary of Comments and Explanation of Revisions addresses the comments and revisions applicable to § 1.6417-1.

Unless otherwise indicated in this Summary of Comments and Explanation of Revisions, provisions of the proposed regulations for which no comments were received are adopted without substantive change. Comments that merely summarize the proposed regulations, recommend statutory revisions to section 7701, section 6417, or other statutes, address issues that are outside the scope of this rulemaking (such as proposed changes to other guidance), or recommend changes to IRS forms are beyond the scope of these regulations and are not adopted. In addition, comments that are related to executive orders and prior guidance described in the preamble to the proposed regulations are beyond the scope of these regulations and are not adopted. The final regulations include non-substantive modifications, including modifications that promote consistency across rules and examples, rearrange provisions, and improve the overall clarity of the guidance. Such non-substantive modifications are not addressed in this Summary of Comments and Explanation of Revisions.

I. Wholly Owned Tribal Entities Under the Final Regulations

The final regulations under section 7701 provide that a wholly owned Tribal entity (including a single member LLC organized under the laws of the Tribe that owns it) is not recognized as a separate entity for Federal income tax purposes, but is recognized as separate and treated as a corporation for Federal employment tax purposes and certain Federal excise tax purposes. The final regulations also provide that section 17 corporations and section 3 corporations are recognized as entities separate from the Tribe(s) that own these entities for Federal employment and certain Federal excise tax purposes.

A. Multi-Tribe Ownership

The majority of commenters expressed support for the recognition that Tribes may organize or incorporate an inter-Tribal entity serving multiple Tribes. However, some commenters stated that it is impractical and unworkable to require that an inter-Tribal entity wholly owned by more than one Indian Tribal government (within the meaning of section 7701(a)(40) of the Code) be organized or incorporated under the laws of each of the Indian Tribal governments with an ownership stake in the entity. Commenters stated that the rules should provide that an inter-Tribal entity with a single charter authorized by each Tribe's governing body, or other body or official acting pursuant to authority delegated by the Tribe's governing body, shares the tax status of the Tribe(s) that own it. These commenters recommended that, although authorized under each Tribe's legislative or administrative process, the inter-Tribal entity charter should allow for a choice of law or forum clause that subjects the inter-Tribal entity to the corporate or limited liability company laws of just a single Tribe. To clarify the proposed regulations, the same commenters requested amendments to the language of the regulations to require that the inter-Tribal entity be authorized under each owner Tribe's law and to allow Tribes to adopt their choice of law and forum. Additionally, a commenter requested the regulations be amended to allow Tribes to enter into co-ownership arrangements with respect to existing entities previously organized and incorporated under the laws of one or more Tribes.

Other commenters suggested that entities owned solely by multiple Tribal governments should be disregarded where (a) the entity is formed under the laws of one of the member Tribes, (b)

the Tribe's laws permit ownership by the other Tribes, and (c) each owner Tribe agrees to such outcome by resolution or other suitable document.

Based on these comments, the final regulations provide that an inter-Tribal entity is not recognized as a separate entity when organized or incorporated exclusively under the laws of one or more of the Indian Tribal governments that own it. The final regulations also add a sentence that clarifies that whether an entity is organized or incorporated under the laws of one or more Indian Tribal government(s) is determined without regard to any specified choice of law or forum. These changes are intended to minimize the administrative burden on Tribes seeking to form or acquire interests in inter-Tribal entities that would generally not be recognized as separate entities under these final regulations.

The word "exclusively," as used in these regulations, means that the entity must be formed under the laws of one or more of the Indian Tribal governments that own it and not the laws of an Indian Tribal government that does not have an interest in the entity or the laws of a state or foreign government. Therefore, an entity formed solely under the laws of one owning Indian Tribal government that is also owned by several other Indian Tribal governments would be considered as organized or incorporated exclusively under the laws of one or more of the Indian Tribal governments that own it and would generally not be recognized as a separate entity for Federal tax purposes.

B. State-Recognized Tribes

One commenter expressed concern that entities organized or incorporated under the laws of a Tribe that is not federally recognized but recognized by a State (State-recognized Tribe) would not be covered under these proposed regulations and requested clarity as to how the result might change, if at all, in proposed § 301.7701-1(a)(4)(iii)(D) (*Example 4*) if one or more of the four participating Tribes were State-recognized Tribes.

The United States has a government-to-government relationship with and recognizes the sovereignty of federally recognized Tribes. Revenue Procedure 2008-55 (2008-39 I.R.B. 768) treats all federally recognized Tribes as Indian Tribal governments under section 7701(a)(40). Federally recognized Tribes are not subject to Federal income taxes. Section 301.7701-1(a)(3) has long provided that section 17 corporations and section 3 corporations chartered under Federal law and wholly owned by

federally recognized Tribes are not recognized as separate entities for Federal tax purposes. These final regulations extend the same treatment to entities organized or incorporated under Tribal law and wholly owned by Tribes. Because section 17 corporations, section 3 corporations, and wholly owned Tribal entities are not recognized as separate entities, they, like the Tribes that own them, are not subject to Federal income tax.

Corporations wholly owned by State-recognized Tribes were not covered by the proposed regulations and are not covered by these final regulations. If one or more of the four participating Tribes in § 301.7701-1(a)(4)(iii)(D) (*Example 4*) were a State-recognized Tribe or an entity created by a State-recognized Tribe, then the jointly owned corporation would not satisfy the requirements of § 301.7701-1(a)(4) and would be respected as a separate legal entity that could be subject to Federal income taxation.

C. State-Chartered Tribally Owned Entities

Some commenters suggested that not only entities wholly owned by Indian Tribal governments and organized or incorporated under the laws of their Indian Tribal government owner, section 3, or section 17, but also Tribally owned entities organized under State law should be treated as not separate from the Tribe for Federal tax purposes. The Treasury Department and the IRS have previously ruled that a corporation organized by an Indian Tribe under State law is subject to Federal income tax on the income earned in the conduct of a commercial business on and off the Tribe's reservation. See Rev. Rul. 94-16, situation 3, 1994-1 C.B. 19 (1994). The commenters proposed that the relevant consideration for Federal income tax purposes is not which government created the corporate entity but, rather, the tax status of the owner. Commenters explained the advantages of State-chartered entities to include that their structure is more familiar to outside investors and offers a broader spectrum of opportunities, particularly for business ventures outside of the Tribe's reservation. These regulations only address the Federal tax treatment of entities chartered by DOI or under Tribal law. Accordingly, the Federal tax treatment of State-chartered entities is outside the scope of these regulations, and, therefore, the final regulations do not adopt this comment.

D. Majority-Owned Entities

Many commenters recommended extending Federal income tax

exemption to entities with 51 percent or greater ownership by Tribes so that they are on parity with State and local governments to receive the same tax advantages afforded to State and local government entities in public-private partnerships. Commenters also requested clarifying guidance on the tax treatment of partially owned entities, including distinctions between wholly owned, partially owned, and majority owned entities.

As these matters are outside the scope of the guidance contained in the proposed regulations that these regulations finalize, the final regulations do not adopt these comments. The Treasury Department and the IRS continue to consider possible guidance on the Federal tax treatment of corporations incorporated under Tribal law that are owned in part by persons other than Tribes. The Treasury Department and the IRS would conduct Tribal consultation prior to issuing any guidance in that area.

E. Wholly Owned Tribal Entities as Separate From the Tribe(s)

Some commenters suggested that wholly owned corporations incorporated under Tribal law should be considered exempt from Federal income tax without the fiction that such corporations are not separate from the parent Tribe. These commenters explained that Revenue Ruling 94-16, 1994-1 C.B. 19, does not rely on this concept. The commenters indicated that section 17 corporations share the same tax status as the Tribe without relying on a fiction that the section 17 corporation is not separate from the Tribe. As support, the commenters indicated that Federal law permits a Tribe to organize both section 16 corporations and section 17 corporations, separate classes of entities with differing powers, purpose, and function. Commenters further explained that if a corporation incorporated under Tribal law is not distinct from the Tribal government, this could prohibit Tribes from qualifying a wholly owned Tribal entity for section 501(c)(3) status and, thus, would require Tribes to charter non-profit corporations under State law, contrary to Federal policy.

Under the existing framework of the section 7701 regulations, an entity recognized as separate from the Tribe does not share the same tax status as the Tribe. Thus, in order to be an entity not subject to Federal income tax under those regulations, section 17 corporations and section 3 corporations cannot be recognized as separate and distinct from the Tribe for Federal income tax purposes. These final

regulations treat wholly owned Tribal corporations similarly to section 17 corporations and section 3 corporations. The commenter is correct that a wholly owned corporation incorporated under Tribal law that is not separate and distinct from the Tribal government cannot qualify for section 501(c)(3) status. However, there is nothing in these regulations to prevent Tribes from creating non-stock Tribal law entities that are described in section 501(c)(3), nor would doing so be contrary to Federal policy.

F. Limited Liability Companies

Commenters requested the addition of clarifying language to confirm that LLCs that qualify as wholly owned Tribal entities are not recognized as separate entities for Federal income tax purposes and, therefore, would not be subject to Federal income tax. The commenters indicated that confusion arises because an entity can be classified as one type of entity for local law purposes such as an LLC or partnership, and then make an entity classification election by filing Form 8832, *Entity Classification Election*, with the IRS to be taxed differently for Federal tax purposes. A majority of commenters supported the addition to the final regulations of a separate illustrative example of an LLC that qualifies as a wholly owned Tribal entity that is not regarded as a separate entity and, therefore, not subject to Federal income tax. Other commenters suggested that it is unnecessary for the proposed regulations to apply to entities other than corporations that qualify as wholly owned Tribal entities. Those commenters explained that since the section 7701 regulations treat a domestic eligible entity with a single owner as disregarded unless the owner otherwise elects, many Tribes have created LLCs that qualify as wholly owned Tribal entities with the understanding that the rules under the existing regulations apply. Commenters expressed concern that adopting a rule that automatically disregards the separateness of all wholly owned Tribal entities for Federal tax purposes disrupts that understanding.

The treatment of limited liability companies for Federal tax purposes is determined under the general classification rules of § 301.7701–3(a). However, the term “organized” used in § 301.7701–1(a)(4)(i) is meant to apply to LLCs organized under Tribal law that are wholly owned by one or more Tribe(s) (Tribally organized LLC), which is consistent with both the preamble to the proposed regulations and proposed § 301.7701–1(a)(4)(iii)(C).

Comments indicate that taxpayers understand that the proposed regulations would treat a Tribally organized LLC with a single member as not separate from the Tribe for Federal tax purposes, and therefore not subject to Federal income tax under these final regulations. Therefore, the final regulations do not adopt these comments.

However, the Treasury Department and the IRS understand the need for certainty in this area. Therefore, the final regulations adopt the general comments that the examples provided in the regulation should explicitly state that the rules apply equally to Tribally organized LLCs.

G. Multi-Tier Entity Structures

Many commenters requested clarification in the final regulations that the treatment of wholly owned Tribal entities as not separate entities from their Tribal owners applies equally to subsidiary entities. Similarly, many commenters also suggested revising proposed § 301.7701–1(a)(4)(iii)(B) (*Example 2*) to indicate that it involves a holding company and a subsidiary. A few commenters also suggested adding an example of a multi-tier partnership entity similar to proposed § 301.7701–1(a)(4)(iii)(B) (*Example 2*).

Proposed § 301.7701–1(a)(4) did not expressly state that entities that are owned through a chain of entities that themselves are not recognized for Federal tax purposes are not recognized as separate entities for Federal tax purposes. In order to ensure clarity on this point, the final regulations add language in § 301.7701–1(a)(4) to clarify that the wholly owned requirement can be met through ownership by other entities not recognized as separate under § 301.7701–1(a)(4).

The final regulations, in § 301.7701–1(a)(4)(iii)(B) (*Example 2*), illustrate that in a tiered structure where Corporation Z is wholly owned by Corporation X and Corporation X is wholly owned by Tribe B, where both Corporation Z and Corporation X are organized or incorporated exclusively under the laws of Tribe B, both entities are not recognized as separate from Tribe B for Federal tax purposes and are not subject to Federal income tax. This example was intended to be a general illustration of the proposed rule that subsidiaries in a tiered entity structure of wholly owned Tribal entities are not recognized as separate entities for Federal tax purposes and are, therefore, exempt from Federal income tax. Revising the example as suggested by the commenters to specify that proposed § 301.7701–1(a)(4)(iii)(B) (*Example 2*)

involves a holding company and a subsidiary would unnecessarily narrow the scope and relevancy of this example, which was intended to be a general illustration. Therefore, the final regulations do not adopt this comment.

H. Partnerships With Non-Tribally Owned Entities

One commenter requested adding an example to confirm that a Tribally organized LLC would retain its status as not regarded when it enters into a partnership with a third-party for-profit corporation formed under State law. Though the final regulations do not add such an example, the Treasury Department and the IRS confirm that the Federal tax status of a Tribally organized LLC would not be affected by holding an interest in a partnership regardless of who the other partners in the partnership were.

I. Section 17 Corporation

A commenter recommended clarifying that a section 17 corporation is a federally chartered corporation created through a lengthy incorporation process for a corporation with the DOI and the eventual approval of such corporation’s charter.

These final regulations do not adopt the recommendation in this comment concerning detailing the processes by which a section 17 corporation is created because the regulations do not modify or otherwise affect the incorporation process of section 17 corporations and section 3 corporations. They do provide certainty that wholly owned Tribal entities are accorded the same tax treatment as section 17 corporations and section 3 corporations. The final regulations do, however, adopt the recommendation to change the description of section 17 corporations and section 3 corporations to reflect that they are federally chartered corporations.

J. Tribal Entity Formation

Several commenters also requested clarification that entities formed under resolutions or interim measures, rather than formal ordinances, are also afforded Federal income tax exemption if established under Tribal law. The proposed regulations did not address the specific mechanisms or administrative processes by which Tribes organize or incorporate a wholly owned entity under their sovereign laws. While the final regulations do not specifically adopt these comments by providing the requested clarification, the Treasury Department and the IRS confirm that any acts to organize or incorporate a wholly owned Tribal

entity under the laws of the Tribes would satisfy the requirements of being “organized under Tribal law” for such entity to not be recognized as a separate entity from the Tribe under § 301.7701–1(a)(4)(i).

K. Not Subject to Federal Income Tax

A commenter recommended expressly stating in the text of proposed § 301.7701–1(a)(4)(i) that section 17 corporations, section 3 corporations, and wholly owned Tribal entities are not subject to Federal income tax on income earned by them in the conduct of commercial business, investment, and/or other activities on or off the organizing Tribe’s reservation or Tribes’ reservations (as applicable). The commenter suggested that, although proposed § 301.7701–1(a)(4)(iii)(A) through (C) (*Examples 1 through 3*) illustrated that entities wholly owned by one or more Tribes and organized or incorporated exclusively under the laws of such Tribe or Tribes are both not recognized as separate entities for Federal tax purposes and not subject to Federal income tax, additional language explicitly stating that such entities are not subject to Federal income tax is necessary in proposed § 301.7701–1(a)(4)(i) for consistency and to avoid any ambiguity on this issue.

This commenter also indicated that the use of the phrase “in the conduct of commercial business” in connection with the statement of exemption from Federal income tax in the preamble to the proposed regulations creates uncertainty as to the scope of the exemption from Federal income tax of section 17 corporations and section 3 corporations, creating the possibility of disputes regarding whether income from investments or other activities or sources is excluded from the exemption from Federal income tax. Thus, the commenter requests clarification in the final regulations on the scope of the exemption from Federal income tax for section 17 corporations and section 3 corporations.

The Treasury Department and the IRS adopt the recommendation and added language to § 301.7701–1(a)(4)(i) to clarify that such entities are not subject to Federal income tax. As such, the source of their income is not relevant because their Federal tax status is not based on the source or type of income earned. Accordingly, the final regulations do not comment on the nature or source of income excluded from Federal income tax derived by section 17 corporations, section 3 corporations, or wholly owned Tribal entities.

L. Federal Income Tax Refunds

Some commenters requested that the IRS defer to Tribes’ sole discretion to determine whether wholly owned Tribal entities that have been in existence for decades have consistently applied § 301.7701–1(a)(4) and relied on that provision for tax years prior to the final regulations’ publication date. By providing such deference, these commenters suggest, the IRS would respect Tribal sovereignty and self-governance, and reduce administrative burdens. To that effect, some commenters suggested developing a specific streamlined refund process for wholly owned Tribal entities that may have paid Federal income taxes for a period before the final regulations’ publication date.

While the final regulations do not adopt the foregoing comments, the Treasury Department and the IRS confirm that Federal income tax refund requests may be processed under the general principles of tax administration. In particular, wholly owned Tribal entities that choose to apply the final regulations retroactively may seek income tax refunds by filing Form 1120–X, *Amended U.S. Corporation Income Tax Return*, for tax years for which the applicable period of limitations is open and obtain the assistance of the Indian Tribal Governments office of the Tax Exempt and Government Entities Division of the IRS to process their refund requests.

M. Federal Excise Tax

1. Entity Classification

The majority of commenters recommended that the final regulations treat section 17 corporations, section 3 corporations, and wholly owned Tribal entities as entities that are separate from the Tribe(s) that own these entities for Federal excise tax purposes because Tribes create these entities to limit the risk of liability to the Tribes themselves. The commenters’ suggestion would be consistent with the treatment of disregarded entities as separate from their owners for purposes of certain Federal excise taxes under the special rule in § 301.7701–2(c)(2)(v). Additionally, the Background section of the preamble to the proposed regulations notes at footnote 2 that while Tribes are not subject to Federal income tax, they generally are subject to Federal excise taxes absent a rule (such as section 7871 of the Code) providing otherwise. Other commenters requested that the final regulations allow Tribes to elect to treat a wholly owned entity as either regarded or disregarded for Federal excise tax purposes. These

commenters asserted that Tribes have a sovereign right to elect specific Federal tax treatment.

In addition, several commenters expressed concern that the rules applying to “business entities” in § 301.7701–2(c)(2)(i) and (v) may not include section 17 corporations, section 3 corporations, or wholly owned Tribal entities. Section 301.7701–2(a) defines a “business entity” as an entity recognized for Federal tax purposes, and § 301.7701–1(a)(3), as of April 1, 2025, provided that section 17 corporations and section 3 corporations were not “recognized” for Federal tax purposes. Similarly, proposed § 301.7701–1(a)(4)(i) generally would not have recognized section 17 corporations, section 3 corporations, or wholly owned Tribal entities as separate entities for Federal tax purposes. These commenters requested that the final regulations explicitly treat these three types of Tribal entities as separate entities for Federal excise tax purposes. Specifically, commenters suggested modifying § 301.7701–2(c)(2)(v) to apply both to business entities described in § 301.7701–2(c)(2)(i) and to Tribal entities described in proposed § 301.7701–1(a)(4)(i). In conjunction with this change, commenters also suggested modifying proposed § 301.7701–1(a)(4)(i) to provide an exception for cases where the (newly modified) special rule relating to Federal excise taxes at § 301.7701–2(c)(2)(v) applies to Tribal entities.

The Treasury Department and the IRS agree with the recommendation of the majority of commenters to treat section 17 corporations, section 3 corporations, and wholly owned Tribal entities as entities separate from the Tribe(s) that own them for Federal excise tax purposes. The final regulations do not adopt these commenters’ specific recommendation to amend § 301.7701–2(c)(2)(v) because the rules of § 301.7701–2 apply solely to “business entities.” Instead, the final regulations provide for this separate entity treatment in § 301.7701–1. Specifically, while the final regulations in § 301.7701–1(a)(4)(i) provide the general rule that section 17 corporations, section 3 corporations, and wholly owned Tribal entities are not recognized as separate entities for Federal tax purposes, the final regulations in § 301.7701–1(a)(4)(iii) provide an exception under which such entities are treated as separate entities for certain Federal excise tax purposes under rules identical to those of § 301.7701–2(c)(2)(v). This aligns the rules applicable to section 17 corporations, section 3 corporations, and wholly

owned Tribal entities with the existing rules under § 301.7701–2(c)(2)(v) that treat disregarded entities as separate from their owners for certain Federal excise tax purposes.

The Treasury Department and the IRS decline to adopt the suggestion of some commenters that Tribes be allowed to elect the treatment of wholly owned Tribal entities for Federal excise tax purposes. Instead, as explained in the previous paragraph, the final regulations provide that wholly owned Tribal entities (as well as section 17 corporations and section 3 corporations) will, in all cases, be regarded as separate entities for the Federal excise tax purposes identified in § 301.7701–2(c)(2)(v). This approach is consistent with most commenters' requests and aligns with the existing Federal excise tax regime under § 301.7701–2(c)(2)(v).

This approach also avoids a number of administrative difficulties that taxpayers and the IRS have experienced with respect to disregarded entities generally, due to the interaction of the disregarded entity rules and certain Federal excise tax provisions. Many Federal excise tax provisions rely on State law, rather than Federal law, to determine when tax attaches or whether to allow an excise tax credit or refund. Federal excise taxes are generally transaction-based, and State law often governs one or more aspects of a transaction, such as when title to an article passes. As such, difficulties arose prior to the 2007 regulations, TD 9356 (72 FR 45891, August 16, 2007), when an entity that was regarded under State law, but disregarded under Federal tax law, engaged in transactions subject to a Federal excise tax. To address these problems, in 2007, the Treasury Department and the IRS promulgated § 301.7701–2(c)(2)(v) to treat wholly owned business entities otherwise disregarded for Federal tax purposes as separate from their owners for certain Federal excise tax purposes. See TD 9356 (72 FR 45891, August 16, 2007) (adopting final regulations and stating no comments were received regarding the excise tax provisions of the proposed regulations); REG–114371–05 (70 FR 60475–60476, October 18, 2005) (preamble to proposed § 301.7701–2(c)(2)(v), explaining reasons for the change).

To prevent similar problems with respect to Tribal entities, the final regulations adopt separate Federal excise tax treatment, identical to that of § 301.7701–2(c)(2)(v), for section 17 corporations, section 3 corporations, and wholly owned Tribal entities. Having all wholly owned Tribal entities on a uniform system for Federal excise

tax purposes that conforms with the existing § 301.7701–2(c)(2)(v) rules avoids inconsistency and promotes sound tax administration.

Finally, other commenters requested that wholly owned Tribal entities be not recognized as separate entities for excise tax exemption purposes but recognized as separate entities for excise tax liability purposes. These commenters requested that the final regulations allow Tribes to extend their sovereign privileges, such as a tax exemption, to their wholly owned entities while also permitting Tribes to shield their assets from potential liabilities by forming business entities. The Treasury Department and the IRS decline to adopt this suggestion because excise tax exemptions, such as those provided in section 7871, are outside the scope of this rulemaking.

2. Section 7871

In expressing their views on the classification of Tribal entities as separate from the Tribe for Federal excise tax purposes, some commenters expressed concern about the potential impact of such treatment on the section 7871 exemption from certain Federal excise taxes. Those commenters stated that section 17 corporations, section 3 corporations, and wholly owned Tribal entities should be explicitly permitted to claim Federal excise tax exemptions to the same extent as Tribes under section 7871. Some of those commenters suggested that language be added to proposed § 301.7701–1(a)(4) to provide that section 17 corporations, section 3 corporations, and wholly owned Tribal entities are treated as an “Indian Tribal government” for purposes of section 7871 and obsolete § 305.7871–1. Other commenters requested that such entities be deemed a “subdivision” for purposes of section 7871.

The final regulations do not adopt these commenters' suggestions, as section 7871 and any regulations thereunder are outside the scope of this rulemaking. The proposed regulations did not address section 7871 or obsolete § 305.7871–1. Accordingly, the final regulations do not address the existing law under section 7871 or the availability of the section 7871(a)(2) exemption from certain Federal excise taxes for Tribes, section 17 corporations, section 3 corporations, or wholly owned Tribal entities.

N. Employment Tax

Prior to the publication of this Treasury decision, § 301.7701–1(a)(3) provided that section 17 corporations and section 3 corporations are not recognized as separate entities for

Federal tax purposes. However, the regulations did not specifically address whether a wholly owned Tribal entity is recognized as a separate entity for Federal employment tax purposes.

In general, employment tax responsibilities rest with an employer. Employers are required to deduct and withhold Federal income taxes and Federal Insurance Contributions Act (FICA) taxes from their employees' wages under sections 3402(a) and 3102(a) of the Code, and are separately liable for their share of FICA taxes as well as for Federal Unemployment Tax Act (FUTA) taxes under sections 3111 and 3301 of the Code. These Federal income tax withholding, FICA, and FUTA taxes are collectively referred to herein as “Federal employment taxes.” Sections 3403, 3102(b), 3111, and 3301 provide that the employer is the person liable for the withholding and payment of Federal employment taxes. In addition, the employer is required to make timely tax deposits, file Federal employment tax returns, and issue wage statements (Forms W–2) to employees, which are collectively referred to herein as “other Federal employment tax obligations.”

An employer is generally defined as the person for whom an individual performs services as an employee. See sections 3401(d), 3121(d), and 3306(a) of the Code. If an entity were not recognized as separate from its owner for Federal employment tax purposes, the owner of the entity would be treated as the employer for purposes of Federal employment tax liabilities and all other Federal employment tax obligations related to wages paid to employees performing services for the disregarded entity. In the context of wholly owned Tribal entities, the IRS has not previously issued guidance regarding their employment tax treatment.

Outside the context of wholly owned Tribal entities, § 301.7701–2(c)(2)(iv)(A) and (B) treat business entities that are disregarded for Federal tax purposes as separate corporations for purposes of Federal employment taxes and related reporting requirements. Specifically, certain other single-owner eligible entities (under §§ 301.7701–1 through 301.7701–3) that are disregarded as entities separate from their owners for other Federal tax purposes are treated as entities separate from their owners for Federal employment tax purposes. See § 301.7701–2(c)(2)(iv)(A) and (B).

Several commenters requested a provision treating wholly owned Tribal entities separately for employment tax purposes to ensure that such entities can assume direct responsibility without burdening the Tribes that own

them. The final regulations adopt these comments and treat wholly owned tribal entities as separate from their Tribal owners for Federal employment tax purposes. As discussed above, this approach is consistent with the treatment of disregarded entities in § 301.7701-2(c)(2)(iv)(A) and (B), which generally are disregarded as separate from their owners for Federal tax purposes, but regarded as separate for Federal employment tax purposes. Further, this approach would generally not subject Tribes to liability for Federal employment taxes owed with respect to employees performing services for their wholly owned Tribal entities, a result that many commenters support. This approach also minimizes administrative burdens, particularly for inter-Tribal entities.

Other commenters expressly requested that FICA and FUTA tax benefits applicable to Tribes be applied to wholly owned Tribal entities. Another commenter suggested that the final regulations should confirm that wholly owned Tribal entities share their owner's Federal tax exemption benefits from certain Federal employment taxes and provide a wide range of hypothetical examples.

There are some Federal employment tax provisions that specifically apply to services performed in the employ of a Tribe. For example, an exception from FUTA taxes exists for service performed in the employ of a Tribe, or any instrumentality that is wholly owned by a Tribe. See section 3306(c)(7). Section 3306(u) provides that, for FUTA purposes, the term "Indian tribe" has the meaning given to such term by section 4(e) of the Indian Self-Determination and Education Assistance Act (codified at 25 U.S.C. 5304(e)), and includes any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe. 25 U.S.C. 5304(e) provides that "Indian Tribe" means, inter alia, any Indian tribe, band, nation, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Accordingly, even though wholly owned Tribal entities are treated as separate from the Tribes for employment tax purposes, they remain eligible for the FUTA tax exception in section 3306(c)(7) because section 3306(u) makes it clear that for purposes of FUTA tax, the term "Indian Tribe" has the meaning given to such term by 25 U.S.C. 5304(e) and includes "any subdivision, subsidiary, or business

enterprise wholly owned by such an Indian tribe."

As an example, if a Tribe establishes a wholly owned Tribal entity, under the final regulations, it will generally be treated as a separate corporation for Federal employment tax purposes, but it will be treated as an Indian Tribe for purposes of the FUTA tax exception provided by section 3306(c)(7) because it is a subdivision, subsidiary, or business enterprise wholly owned by the Tribe as defined in section 3306(u).

II. Elective Payment Elections

The final regulations provide that wholly owned Tribal entities, section 17 corporations, and section 3 corporations are treated, for purposes of making section 6417 elections (including determining eligibility for and the consequences of such elections), as instrumentalities of the Indian Tribal government(s) that wholly own them. This is the same rule contained in proposed § 1.6417-1, which stated that an entity described in § 301.7701-1(a)(4)(i) is treated as an instrumentality of the Indian Tribal government(s) or subdivision(s) thereof that own(s) it.

Commenters generally supported the proposed rule treating wholly owned Tribal entities as instrumentalities of the Tribes that own them for purposes of the section 6417 elective payment election. Some commenters requested a clarification on the application of the elective payment election rules when an applicable credit is generated by a wholly owned Tribal entity jointly owned by multiple Tribes. As a clarification, a wholly owned Tribal entity that is jointly owned by multiple Tribes would be treated as an instrumentality for purposes of section 6417. The wholly owned Tribal entity will determine any applicable credit generated by the Tribal entity's activities and make the elective payment election for any applicable credit so determined. This avoids each Tribe having to separately determine a credit and separately make an elective payment election. By following the procedural rules in the section 6417 final regulations, TD 9988 (89 FR 17584, March 11, 2024), the wholly owned Tribal entity generally will make the elective payment election by completing pre-filing registration and then filing a return including a completed Form 990-T, *Exempt Organization Business Income Tax Return*, as described in § 1.6417-1(b)(2), using its own name and employer identification number, any relevant source credit form(s), Form 3800, *General Business Credit* (or its successor), and any additional information, including supporting

calculations, required in instructions to the relevant forms. Any refund resulting from the elective payment election would be paid to the wholly owned Tribal entity. This treatment should reduce overall complexity for Tribes and the IRS as it reduces the number of necessary credit calculations and elective payment elections and also helps ensure any elective payment amount is commensurate with the amount of the otherwise allowable credit.

Another commenter suggested that the proposed regulations be revised to allow Tribes the choice of having the Tribe or the wholly owned Tribal entity make the elective payment election because in some cases it may be impractical for the wholly owned Tribal entity to do so. The final regulations do not adopt this suggestion, consistent with the view of most commenters who supported the rule providing that the wholly owned Tribal entity that is treated as an instrumentality must make the election. There also are additional administrative benefits gained for both Tribes and the IRS by having certainty on how to file elective payment elections. For example, it will be clear that the wholly owned Tribal entity makes the elective payment election when an entity is wholly owned by multiple tribes. Thus, the final regulations provide that a wholly owned Tribal entity is treated as an instrumentality of an Indian Tribal government and such instrumentality (and not the Indian Tribal government) would make the elective payment election.

A commenter suggested that, rather than being treated as a payment of tax, the elective payment amount should be treated as a grant and paid prior to the time a project is placed in service. The statutory text of section 6417(a) expressly requires the entity making an elective payment election with respect to an applicable credit to be treated as making a payment of tax equal to the amount of such credit. Furthermore, the statutory text of section 6417(d)(4) controls the timing of an elective payment and provides that the payment is treated as being made by the applicable entity on the later of the due date for the return or the date the return is actually filed. As this comment could only be adopted if statutory revisions were made, these final regulations do not adopt the commenter's suggestions.

Several commenters recommended that Tribes be given the option to monetize credits through transferability under section 6418 of the Code, rather than only being able to make elective payment elections under section 6417.

The commenters also suggested additional changes to the section 6418 rules if Tribes were allowed to make transfers. Tribal governments (and their instrumentalities, pursuant to § 1.6417–1(c)(7)) are listed as applicable entities under section 6417(d)(1)(A)(iv) and section 6418(f)(2) expressly provides that an eligible taxpayer for section 6418 is any taxpayer not listed in section 6417(d)(1)(A). Thus, Tribal governments (and their instrumentalities) are only allowed to make elective payment elections under section 6417. As the comment requesting the option to use section 6418 and the other comments suggesting additional section 6418 changes would require statutory revisions, these final regulations do not adopt the commenters' suggestions.

Applicability Dates

The final regulations apply to taxable periods, or taxable years for purposes of section 6417, beginning on or after January 1, 2026. The final regulations provide that section 17 corporations, section 3 corporations, and wholly owned Tribal entities are treated as instrumentalities for purposes of making a section 6417 election, and as entities separate from their owners for the Federal employment and excise tax purposes identified in § 301.7701–2(c)(2)(iv) and (v). Accordingly, each such entity must have its own employer identification number (EIN) for these purposes. Each such entity must separately calculate, report, and pay all employment tax obligations identified in § 301.7701–2(c)(2)(iv) with respect to its employees under its own name and EIN for wages paid on or after January 1, 2026. With respect to taxable periods beginning on or after January 1, 2026, each such entity must separately report, calculate, and pay taxes for any purpose identified in § 301.7701–2(c)(2)(v) under its own name and EIN. To ensure that taxpayers have sufficient time to make any necessary changes to their systems in response to these final regulations, the final regulations apply only to taxable periods beginning on or after January 1, 2026.

For Federal income tax purposes only, an entity may choose to apply § 301.7701–1(a)(4) to taxable periods beginning before January 1, 2026, for which the applicable period of limitations is open.

For section 6417 purposes, an entity described in § 301.7701–1(a)(4)(i) may choose to apply § 1.6417–1(c)(7) and (f) to taxable years beginning before January 1, 2026, but only if the Indian Tribal government(s) that own the entity also apply § 1.6417–1(c)(7) and (f)

consistently with such entity for all such taxable years.

Special Analyses

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

Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments) prohibits an agency from publishing any rule that has Tribal implications if the rule either imposes substantial, direct compliance costs on Indian Tribal governments and is not required by statute, or preempts Tribal law, unless the agency meets the consultation and funding requirements of section 5 of the Executive order. This final rule would neither impose substantial, direct compliance costs on Indian Tribal governments nor preempt Tribal law within the meaning of the Executive order.

II. Regulatory Planning and Review

The Office of Management and Budget's Office of Information and Regulatory Analysis has determined that this regulation is not significant and is not subject to review under section 6(b) of Executive Order 12866. Therefore, a regulatory impact assessment is not required.

The Executive Order 14192 designation for this final rule is anticipated to be deregulatory.

III. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) generally requires that a Federal agency obtain the approval of the Office of Management and Budget (OMB) before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

The collection of information in these regulations contain reporting and recordkeeping requirements. The recordkeeping requirements mentioned within these final regulations are considered general tax records under § 1.6001–1(e). These records are required for the IRS to validate that taxpayers have met the regulatory requirements and are entitled to make an elective payment election and to verify the Federal tax classification of entities described in these final regulations. For PRA purposes, general tax records are already approved by OMB under 1545–0047 for tax-exempt organizations and government entities.

These regulations also mention reporting requirements related to making elections under section 6417. These elections will be made by taxpayers on Forms 990–T, and credit calculations will be made on Form 3800 and supporting forms. These forms are approved under 1545–0047 for tax-exempt organizations and government entities.

IV. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), the Secretary of the Treasury hereby certifies that the final regulations will not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act. These final regulations would affect entities that are wholly owned by Tribes. Additionally, no added burden is created through these final regulations; rather, these final regulations would expand the definition of an eligible entity for section 6417 of the Code but does not expand the requirements for entities to make the elective payment election. Although data is not readily available about the number of small entities that are potentially affected by this rule, it is possible that a substantial number of small entities may be affected.

To the extent the entities described in these regulations make elections under section 6417, the Treasury Department and the IRS certify the final regulatory flexibility analysis undertaken in TD 9988 (89 FR 17584, March 11, 2024).

For the reasons stated, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding this Treasury decision was submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business, and no comments were received.

V. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandate Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Indian Tribal government, in the aggregate, or by the private sector, of \$100 million (updated annually for inflation). These final regulations do not include any Federal mandate that may result in expenditures by State, local, or Indian Tribal governments or by the private sector in excess of that threshold.

VI. Executive Order 13132: Federalism

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. These final regulations do not have federalism implications and do not impose substantial, direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Statement of Availability of IRS Documents

The Revenue Rulings and Revenue Procedure cited in this preamble are published in the Internal Revenue Bulletin and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at <https://www.irs.gov>.

Drafting Information

The principal author of these final regulations is the Office of Associate Chief Counsel (Passthroughs, Trusts, and Estates). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects**26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 301 are amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

* * * * *

■ **Par. 2.** Section 1.6417–1 is amended by:

- 1. Revising paragraph (c) introductory text;
- 2. Removing the semicolons from the end of paragraphs (c)(1)(ii) and (c)(2) through (5) and adding periods in their places;
- 3. Removing the language “; and” from the end of paragraph (c)(6) and adding a period in its place; and
- 4. Revising paragraphs (c)(7), (f), and (q).

The revisions read as follows:

§ 1.6417–1 Elective payment election of applicable credits.

* * * * *

(c) *Applicable entity.* The term *applicable entity* means any entity described in paragraphs (c)(1) through (7) of this section.

* * * * *

(7) An agency or instrumentality of any applicable entity described in paragraph (c)(1)(ii) or (c)(2) or (3) of this section. For purposes of making an elective payment election under section 6417 (including determining eligibility for and the consequences of such election), an entity described in § 301.7701–1(a)(4)(i) of this chapter is treated as an instrumentality of the Indian Tribal government(s) or subdivision(s) thereof that own(s) it.

* * * * *

(f) *Disregarded entity.* The term *disregarded entity* means an entity that is disregarded as, or not recognized as, an entity separate from its owner for Federal income tax purposes under § 301.7701–1(a)(3) or §§ 301.7701–2 and 301.7701–3 of this chapter. *See* paragraph (c)(7) of this section regarding entities described in § 301.7701–1(a)(4)(i) of this chapter.

* * * * *

(q) *Applicability dates—(1) In general.* Except as provided in paragraph (q)(2) of this section, this section applies to taxable years ending on or after March 11, 2024. For taxable years ending before March 11, 2024, taxpayers may choose to apply the rules of this section and §§ 1.6417–2 through 1.6417–4 and 1.6417–6, provided the taxpayers apply the rules in their entirety and in a consistent manner.

(2) *Paragraphs (c)(7) and (f) of this section.* Paragraphs (c)(7) and (f) of this section apply to taxable years beginning on or after January 1, 2026. For taxable years beginning before January 1, 2026, an entity described in § 301.7701–1(a)(4)(i) of this chapter may choose to apply paragraphs (c)(7) and (f) of this section, but only if the Indian Tribal government(s) that own the entity also apply paragraphs (c)(7) and (f) of this section consistently with such entity for

all such taxable years. For the rules that apply to entities that do not choose to apply paragraphs (c)(7) and (f) of this section in accordance with the preceding sentence for taxable years beginning before January 1, 2026, see § 1.6417–1 as contained in 26 CFR part 1, revised April 1, 2025.

PART 301—PROCEDURE AND ADMINISTRATION

■ **Par. 3.** The authority citation for part 301 is amended by adding an entry for § 301.7701–1(a)(4) in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805.

* * * * *

Section 301.7701–1(a)(4) also issued under 26 U.S.C. 7701(a)(40).

* * * * *

■ **Par. 4.** Section 301.7701–1 is amended by:

- 1. Revising paragraph (a)(3);
- 2. Redesignating paragraph (a)(4) as paragraph (a)(5);
- 3. Adding a new paragraph (a)(4); and
- 4. Revising paragraph (f).

The revisions and addition read as follows:

§ 301.7701–1 Classification of organizations for federal tax purposes.

(a) * * *

(3) *Certain State and local law entities not recognized.* An entity formed under State or local law is not always recognized as a separate entity for Federal tax purposes. For example, an organization wholly owned by a State is not recognized as a separate entity for Federal tax purposes if it is an integral part of the State.

(4) *Certain Tribal entities—(i) In general—(A) Rule.* Except as provided in paragraphs (a)(4)(ii) and (iii) of this section, section 17 corporations, section 3 corporations, and wholly owned Tribal entities (as defined, respectively, in paragraphs (a)(4)(i)(B) through (D) of this section) are not recognized as separate entities for Federal tax purposes and, therefore, are not subject to Federal income tax.

(B) *Definition of section 17 corporation.* The term *section 17 corporation* means a federally chartered corporation incorporated under section 17 of the Indian Reorganization Act of 1934, as amended (25 U.S.C. 5124), by the Bureau of Indian Affairs, as the authorized delegate of the Secretary of the Interior.

(C) *Definition of section 3 corporation.* The term *section 3 corporation* means a federally chartered corporation incorporated under section 3 of the Oklahoma Indian Welfare Act, as

amended (25 U.S.C. 5203), by the Bureau of Indian Affairs, as the authorized delegate of the Secretary of the Interior.

(D) *Definition of wholly owned Tribal entity.* The term *wholly owned Tribal entity* means an entity wholly owned by one or more Indian Tribal governments (within the meaning of section 7701(a)(40) of the Code), directly or through other entities that are not recognized as separate entities for Federal income tax purposes, that is organized or incorporated exclusively under the laws of one or more of the owning Indian Tribal governments. Whether an entity is organized or incorporated under the laws of one or more Indian Tribal government(s) is determined without regard to any specified choice of law or forum.

(ii) *Elections under section 6417.* See § 1.6417–1(c)(7) of this chapter for the treatment of section 17 corporations, section 3 corporations, and wholly owned Tribal entities described in paragraph (a)(4)(i) of this section for the purposes of making an elective payment election under section 6417 of the Code (section 6417 election), including determining eligibility for and the consequences of such election.

(iii) *Federal employment taxes and excise taxes.* Section 17 corporations, section 3 corporations, and wholly owned Tribal entities are treated as separate entities for Federal employment and certain Federal excise tax purposes in a manner identical to the treatment described in § 301.7701–2(c)(2)(iv) and (v).

(iv) *Examples.* The following examples illustrate the application of paragraphs (a)(4)(i) through (iii) of this section. For purposes of these examples, all references to a Tribe are references to an Indian Tribal government within the meaning of section 7701(a)(40).

(A) *Example 1.* Tribe B incorporates Corporation X pursuant to Tribe B's Corporations Ordinance, which governs the purpose, formation, and operation of commercial entities. Tribe B owns all the shares of Corporation X. Corporation X is therefore wholly owned by Tribe B and organized or incorporated under the laws of Tribe B. As a result, Corporation X is not recognized as a separate entity from Tribe B for Federal tax purposes, except for the purposes described in § 1.6417–1(c)(7) of this chapter and paragraph (a)(4)(iii) of this section. Accordingly, Corporation X is not subject to Federal income tax. Under § 1.6417–1(c)(7) of this chapter, Corporation X is treated as an instrumentality of Tribe B for purposes of making a section 6417 election (including determining eligibility for

and the consequences of such election). Thus, Corporation X, rather than Tribe B, would be the applicable entity for purposes of making a section 6417 election for any applicable credit (as defined in section 6417(b)) relating to property held or activities conducted by Corporation X. Corporation X is treated as a corporation separate from its owner for Federal employment tax purposes governed under subtitle C of the Internal Revenue Code, and as separate from its owner for the Federal excise tax purposes identified in § 301.7701–2(c)(2)(v)(A). The analysis would be the same if Tribe B had organized its business as a single member limited liability company (LLC) pursuant to the Tribe's business code instead of incorporating Corporation X.

(B) *Example 2.* The facts are the same as in paragraph (a)(4)(iv)(A) of this section (*Example 1*), except that the board of Corporation X, pursuant to Tribe B's Corporations Ordinance, organizes a subsidiary, Corporation Z, to pursue a limited line of new business. Corporation X owns all the shares of Corporation Z. Corporation Z is therefore wholly owned by Tribe B and organized or incorporated under the laws of Tribe B. As a result, neither Corporation X nor Corporation Z is recognized as an entity separate from Tribe B for Federal tax purposes, except for the purposes described in § 1.6417–1(c)(7) of this chapter and paragraph (a)(4)(iii) of this section. Accordingly, Corporation Z is not subject to Federal income tax. Under § 1.6417–1(c)(7) of this chapter, Corporation X and Corporation Z are each treated as an instrumentality of Tribe B for the purposes of making a section 6417 election (including determining eligibility for and the consequences of such election). Thus, Corporation Z, rather than Corporation X or Tribe B, is the applicable entity for purposes of making a section 6417 election for any applicable credit relating to property held or activities conducted by Corporation Z. As in paragraph (a)(4)(iv)(A) of this section (*Example 1*), Corporation X would continue to be the applicable entity for purposes of making a section 6417 election for any applicable credit relating to property held or activities conducted by Corporation X. Both Corporation X and Corporation Z are treated as corporations separate from their owner for Federal employment tax purposes governed under subtitle C of the Internal Revenue Code, and as separate from their owner for the Federal excise tax purposes identified in § 301.7701–2(c)(2)(v)(A). The analysis would be the

same if Tribe B had organized its businesses as single member LLCs pursuant to the Tribe's business code instead of incorporating Corporations X and Z.

(C) *Example 3.* Tribe B incorporates a section 17 corporation. The section 17 corporation subsequently incorporates Corporation J pursuant to Tribe B's Corporations Ordinance, which governs the purpose, formation, and operation of commercial entities. The section 17 corporation owns all the shares of Corporation J. Corporation J is therefore treated as wholly owned by Tribe B and organized or incorporated under the laws of Tribe B. As a result, Corporation J is not recognized as a separate entity from Tribe B for Federal tax purposes, except for the purposes described in § 1.6417–1(c)(7) of this chapter and paragraph (a)(4)(iii) of this section. Accordingly, neither the section 17 corporation nor Corporation J is subject to Federal income tax. Under § 1.6417–1(c)(7) of this chapter, the section 17 corporation and Corporation J are each treated as an instrumentality of Tribe B for the purposes of making a section 6417 election (including determining eligibility for and the consequences of such election). Thus, the section 17 corporation, rather than Tribe B, would be the applicable entity for purposes of making a section 6417 election for any applicable credit relating to property held or activities conducted by the section 17 corporation. In addition, Corporation J, rather than Tribe B or the section 17 corporation, would be the applicable entity for purposes of making a section 6417 election for any applicable credit relating to property held or activities conducted by Corporation J. Both the section 17 corporation and Corporation J are treated as corporations separate from their owner for Federal employment tax purposes governed under subtitle C of the Internal Revenue Code, and as separate from their owner for the Federal excise tax purposes identified in § 301.7701–2(c)(2)(v)(A). The analysis would be the same if the section 17 corporation had organized its business as a single member LLC pursuant to the Tribe's business code instead of incorporating Corporation J.

(D) *Example 4.* Tribe A, Tribe B, Tribe C, and Tribe D through resolutions approved by their respective Indian Tribal governments incorporate Corporation K which is chartered under the Corporations Ordinance of Tribe A. Each Tribe owns 25% of the shares of Corporation K. Corporation K is incorporated under the laws of one of its owners, Tribe A. As a result, Corporation K is a wholly owned Tribal

entity and is not recognized as a separate entity from the Tribes for Federal tax purposes, except for the purposes described in § 1.6417–1(c)(7) of this chapter and paragraph (a)(4)(iii) of this section. Accordingly, Corporation K is not subject to Federal income tax. Under § 1.6417–1(c)(7) of this chapter, Corporation K is treated as an instrumentality of Tribe A, Tribe B, Tribe C, and Tribe D for the purposes of making a section 6417 election (including determining eligibility for and the consequences of such election). Thus, Corporation K, rather than Tribe A, Tribe B, Tribe C, or Tribe D, would be the applicable entity for purposes of making a section 6417 election for any applicable credit relating to property held or activities conducted by Corporation K. Corporation K is treated as a corporation separate from its owners for Federal employment tax purposes governed under subtitle C of the Internal Revenue Code, and as separate from its owners for the Federal excise tax purposes identified in § 301.7701–2(c)(2)(v)(A). The analysis would be the same if Tribe A, Tribe B, Tribe C, and Tribe D had organized their business as an LLC pursuant to Tribe A's business code instead of incorporating Corporation K.

(E) *Example 5.* Tribe A incorporates Corporation L pursuant to Tribe A's Corporations Ordinance, which governs the purpose, formation, and operation of commercial entities. Corporation L subsequently incorporates Corporation M pursuant to Tribe A's Corporations Ordinance. Tribe A owns all the shares of Corporation L, and Corporation L owns all the shares of Corporation M. Corporations L and M are therefore wholly owned by Tribe A and organized or incorporated under the laws of Tribe A. In a later year, Tribe B, in agreement with Tribe A, acquires some, but not all, shares of Corporation M. Corporations L and M continue to be considered as wholly owned by Indian Tribal governments and were incorporated under the laws of an Indian Tribal government that owns them. As a result, neither Corporation L nor Corporation M is recognized as a separate entity from the Tribes that own them for Federal tax purposes, except for the purposes described in § 1.6417–1(c)(7) of this chapter and paragraph (a)(4)(iii) of this section. Accordingly, Corporations L and M are not subject to Federal income tax. Under § 1.6417–1(c)(7) of this chapter, Corporation L is treated as an instrumentality of Tribe A, and Corporation M is treated as an instrumentality of Tribe A and Tribe B, for the purposes of making a section

6417 election (including determining eligibility for and the consequences of such election). Thus, Corporations L and M, rather than Tribe A or Tribe B, would be the applicable entities for purposes of making a section 6417 election for any applicable credit relating to property held or activities conducted by Corporations L and M, respectively. Both Corporation L and Corporation M are treated as corporations separate from their owners for Federal employment tax purposes governed under subtitle C of the Internal Revenue Code, and as separate from their owners for the Federal excise tax purposes identified in § 301.7701–2(c)(2)(v)(A). The analysis would be the same if Tribe A had organized its businesses as LLCs pursuant to Tribe A's business code instead of incorporating Corporations L and M, and had Tribe B acquired a membership interest instead of stock.

* * * * *

(f) *Applicability dates*—(1) *In general.* Except as provided in paragraph (f)(2) of this section, the rules of this section are applicable as of January 1, 1997.

(2) *Exceptions*—(i) *Paragraph (a)(4) of this section.* The rules of paragraph (a)(4) of this section apply to taxable periods beginning on or after January 1, 2026. An entity may choose to apply paragraph (a)(4) of this section to taxable periods beginning before January 1, 2026, for which the applicable period of limitations is open.

(ii) *Paragraph (c) of this section.* The rules of paragraph (c) of this section are applicable on January 5, 2009.

Frank J. Bisignano,
Chief Executive Officer.

Approved: November 12, 2025.

Kenneth J. Kies,
Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2025–22874 Filed 12–15–25; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2025–1097]

Special Local Regulations; San Diego Parade of Lights, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the San Diego Parade of Lights special

local regulations on the waters of San Diego Bay, California on December 14, 2025, and December 21, 2025. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port Sector San Diego or a designated representative.

DATES: The regulations in 33 CFR 100.1101 will be enforced from 5:30 p.m. through 9:30 p.m. on December 14, 2025, and from 5:30 p.m. through 9:30 p.m. on December 21, 2025, for Item 5 in Table 1 of Section 100.1101.

FOR FURTHER INFORMATION CONTACT: If you have questions about this publication of enforcement, call or email Lieutenant Shelley Delgado, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email MarineEventsSD@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 for the San Diego Parade of Lights in San Diego Bay, CA in 33 CFR 100.1101, Table 1, Item 5 of that section from 5:30 p.m. until 9:30 p.m. on December 14, 2025, and from 5:30 p.m. until 9:30 p.m. on December 21, 2025. This enforcement action is being taken to provide for the safety of life on navigable waterways during the event. The Coast Guard's regulation for recurring marine events in the San Diego Captain of the Port Zone identifies the regulated entities and area for this event. During the enforcement periods, as reflected in § 100.1101, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area, unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts, and local advertising by the event sponsor.

R.C. Tucker,
Captain, U.S. Coast Guard, Captain of the Port Sector San Diego.

[FR Doc. 2025–22966 Filed 12–15–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Parts 100 and 165****[Docket Number USCG–2025–0245]****2025 Quarterly Listings; Second Quarter; Safety Zones, Security Zones, and Special Local Regulations****AGENCY:** Coast Guard, DHS.**ACTION:** Notification of expired temporary rules issued.

SUMMARY: This document provides notification of substantive rules issued by the Coast Guard that were made temporarily effective but expired before they could be published in the **Federal Register**. This document lists temporary safety zones, security zones, and special local regulations, all of limited duration and for which timely publication in the **Federal Register** was not possible. This document also announces notifications of enforcement for existing reoccurring regulations that we issued but were unable to be published before the enforcement period ended.

DATES: This document lists temporary Coast Guard rules and notifications of enforcement that became effective, primarily between April 2025 and June 2025, and expired before they could be published in the **Federal Register**.

ADDRESSES: Temporary rules listed in this document may be viewed online, under their respective docket numbers, using the Federal eRulemaking Portal at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this document contact Ambar Ali, Office of Regulations and Administrative Law, email HQS-SMB-CG-LRA-Admin@uscg.mil, telephone (202) 372–3862.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events.

Timely publication of these rules in the **Federal Register** may be precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Timely publication of notifications of enforcement of reoccurring regulations may be precluded when the event occurs with

short notice or other agency procedural restraints.

Because **Federal Register** publication was not possible before the end of the effective period, mariners would have been notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. In some of our reoccurring regulations, we say we will publish a notice of enforcement as one of the means of notifying the public. We use this notification to announce those notifications of enforcement that we issued and will post them to their dockets.

The following unpublished rules were placed in effect temporarily during the period between April 2025 and June 2025. To view copies of these rules, visit www.regulations.gov and search by the docket number indicated in the following table.

Docket No.	Type	Location	Effective date
USCG–2025–0118	Safety Zones (Parts 147 and 165)	Philadelphia, PA	2/14/2025
USCG–2025–0137	Safety Zones (Parts 147 and 165)	Corpus Christi, TX	3/18/2025
USCG–2025–0160	Safety Zones (Parts 147 and 165)	Pensacola Bay, FL	3/19/2025
USCG–2024–1056	Safety Zones (Parts 147 and 165)	Sandy Hook, NJ	3/24/2025
USCG–2025–0229	Safety Zones (Parts 147 and 165)	Pascagoula, MS	3/27/2025
USCG–2025–0172	Special Local Regulations (Part 100)	Brigantine, NJ	3/29/2025
USCG–2025–0311	Safety Zones (Parts 147 and 165)	Arroyo City, TX	4/2/2025
USCG–2025–0272	Safety Zones (Parts 147 and 165)	Brusly, LA	4/5/2025
USCG–2025–0055	Safety Zones (Parts 147 and 165)	Miami, FL	4/5/2025
USCG–2025–0208	Safety Zones (Parts 147 and 165)	Chester, PA	4/5/2025
USCG–2025–0314	Security Zones (Part 165)	Corpus Christi, TX	4/9/2025
USCG–2025–0256	Security Zones (Part 165)	New Orleans, LA	4/10/2025
USCG–2025–0327	Security Zones (Part 165)	Miami Beach, FL	4/12/2025
USCG–2025–0282	Safety Zones (Parts 147 and 165)	Stratton, OH	4/12/2025
USCG–2025–0335	Safety Zones (Parts 147 and 165)	Commencement Bay, Washington ..	4/19/2025
USCG–2025–0341	Safety Zones (Parts 147 and 165)	Corpus Christi, TX	4/20/2025
USCG–2025–0281	Safety Zones (Parts 147 and 165)	South Padre Island, TX	4/20/2025
USCG–2025–0255	Special Local Regulations (Part 100)	Lake Havasu, AZ	4/25/2025
USCG–2025–0258	Safety Zones (Parts 147 and 165)	Erie, PA	4/25/2025
USCG–2025–0352	Security Zones (Part 165)	Corpus Christi, TX	4/25/2025
USCG–2025–0266	Safety Zones (Parts 147 and 165)	San Diego, CA	4/26/2025
USCG–2025–0368	Security Zones (Part 165)	Gunston Cove, VA	4/26/2025
USCG–2025–0353	Special Local Regulations (Part 100)	Detroit, MI	4/26/2025
USCG–2025–0275	Special Local Regulations (Part 100)	San Francisco, CA	4/27/2025
USCG–2025–0276	Special Local Regulations (Part 100)	San Francisco, CA	4/27/2025

Docket No.	Type	Location	Effective date
USCG–2025–0207	Safety Zones (Parts 147 and 165)	Peoria, IL	4/28/2025
USCG–2025–0361	Safety Zones (Parts 147 and 165)	Port Lavaca, TX	4/30/2025
USCG–2025–0372	Safety Zones (Parts 147 and 165)	Charleston, SC	5/1/2025
USCG–2025–0356	Safety Zones (Parts 147 and 165)	Corpus Christi, TX	5/8/2025
USCG–2025–0420	Safety Zones (Parts 147 and 165)	Westport, WA	5/9/2025
USCG–2025–0416	Safety Zones (Parts 147 and 165)	Corpus Christi, TX	5/14/2025
USCG–2025–0358	Safety Zones (Parts 147 and 165)	San Francisco, CA	5/16/2025
USCG–2025–0359	Safety Zones (Parts 147 and 165)	San Francisco, CA	5/17/2025
USCG–2025–0411	Safety Zones (Parts 147 and 165)	Detroit, MI	5/19/2025
USCG–2025–0431	Safety Zones (Parts 147 and 165)	Corpus Christi, TX	5/20/2025
USCG–2025–0383	Safety Zones (Parts 147 and 165)	New Orleans, LA	5/23/2025
USCG–2025–0437	Safety Zones (Parts 147 and 165)	Lake Ozark, MO	5/25/2025
USCG–2025–0418	Safety Zones (Parts 147 and 165)	Beaufort, SC	5/25/2025
USCG–2025–0362	Safety Zones (Parts 147 and 165)	South Padre Island, TX	5/25/2025
USCG–2025–0465	Safety Zones (Parts 147 and 165)	Shippingport, PA	5/27/2025
USCG–2025–0363	Safety Zones (Parts 147 and 165)	Boca Chica Beach, TX	5/27/2025
USCG–2025–0470	Safety Zones (Parts 147 and 165)	Concord, CA	5/28/2025
USCG–2025–0466	Safety Zones (Parts 147 and 165)	Corpus Christi, TX	5/29/2025
USCG–2025–0429	Safety Zones (Parts 147 and 165)	Philadelphia, PA	5/30/2025
USCG–2025–0478	Security Zone (Part 165)	West Mifflin, PA	5/30/2025
USCG–2025–0333	Special Local Regulations (Part 100)	San Francisco, CA	6/1/2025
USCG–2025–0513	Safety Zones (Parts 147 and 165)	Portland, OR	6/3/2025
USCG–2025–0331	Safety Zones (Parts 147 and 165)	Santa Cruz, CA	6/6/2025
USCG–2025–0522	Safety Zones (Parts 147 and 165)	Milwaukee, WI	6/7/2025
USCG–2025–0130	Special Local Regulations (Part 100)	Creighton, PA	6/7/2025
USCG–2025–0467	Special Local Regulations (Part 100)	Wheeling, WV	6/8/2025
USCG–2025–0507	Safety Zones (Parts 147 and 165)	Cape Canaveral, FL	6/11/2025
USCG–2025–0468	Special Local Regulations (Part 100)	Parker, AZ	6/14/2025
USCG–2025–0554	Safety Zones (Parts 147 and 165)	Detroit, Michigan	6/21/2025
USCG–2025–0571	Safety Zones (Parts 147 and 165)	Corpus Christi, TX	6/25/2025
USCG–2025–0380	Safety Zones (Parts 147 and 165)	San Pedro, CA	6/27/2025
USCG–2025–0521	Safety Zones (Parts 147 and 165)	Point Comfort, TX	6/28/2025
USCG–2025–0382	Safety Zones (Parts 147 and 165)	Long Beach, CA	7/3/2025
USCG–2025–0403	Safety Zones (Parts 147 and 165)	Newport Beach, CA	7/4/2025
USCG–2025–0402	Safety Zones (Parts 147 and 165)	Long Beach, CA	7/4/2025
USCG–2025–0381	Safety Zones (Parts 147 and 165)	Santa Catalina Island, CA	7/5/2025

Michael Cunningham,

*Chief, Office of Regulations and
Administrative Law, United States Coast
Guard.*

[FR Doc. 2025–22961 Filed 12–15–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–1100]

Safety Zones; Annual Events in the Captain of the Port Eastern Great Lakes Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the City of North Tonawanda NYE Fireworks held on December 31, 2025, on the Erie Canal, North Tonawanda, NY. This action is necessary and intended to protect the safety of life and property on navigable

waters prior to, during, and immediately after the event. During the enforcement period, no person or vessel may enter the safety zone without the permission of the Captain of the Port (COTP) Eastern Great Lakes or their designated representative.

DATES: The regulations in Table 1 to 33 CFR 165.939, for event (L)(1), will be enforced from December 31, 2025, at 11:45 p.m. through January 1, 2026, at 12:30 a.m.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, contact Ensign Sarah Eacho, Chief of Waterways Management, Sector Eastern Great Lakes, U.S. Coast Guard; telephone 716–253–7299, email D09-SMB-SECBuffalo-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone for event (L)(1) in Table 1 to 33 CFR 165.939 for the City of North Tonawanda NYE Fireworks from 11:45 p.m. on December 31, 2025, through 12:30 a.m. on January 1, 2026. The regulation specifies the location of the regulated area for this event. Pursuant to 33 CFR 165.939(a), entry into, transiting,

or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the COTP Eastern Great Lakes or their designated on-scene representative. Those seeking permission to enter the safety zone may request permission from the COTP Eastern Great Lakes via channel 16, VHF–FM or by contacting the Sector Eastern Great Lakes Command Center via (888) 230–4703. Vessels and persons granted permission to enter the safety zone shall obey the directions of the COTP Eastern Great Lakes or their designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement periods via Broadcast Notice to Mariners or other suitable means. If the COTP Eastern Great Lakes determines that the safety zone need not be enforced for the full duration stated in this notice, they may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone.

Dated: December 11, 2025.

Adam T. Mosley,

*Commander, U.S. Coast Guard, Acting
Captain of the Port, Eastern Great Lakes.*

[FR Doc. 2025-22968 Filed 12-15-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2025-1062]

RIN 1625-AA00

Safety Zone; Fireworks Display, Lower Mississippi River, Natchez, MS

AGENCY: Coast Guard, Department of
Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Lower Mississippi River between Mile Markers 363 and 364. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a fireworks display from a barge. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Lower Mississippi River.

DATES: This rule is effective from 6 p.m. through 7 p.m. on December 31, 2025.

ADDRESSES: To view available documents go to <https://www.regulations.gov> and search for USCG-2025-1062.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST1 Cole Perkins, Sector Lower Mississippi River, Waterways Management Division, U.S. Coast Guard; telephone 901-208-0311, or email cole.a.perkins@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

The Coast Guard received notification that fireworks will be launched from a barge on the Lower Mississippi River near Natchez, MS. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or

other debris. The Captain of the Port Sector Lower Mississippi River (COTP) has determined that potential hazards associated with fireworks are a safety concern for anyone within a half mile of the fireworks display. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. The Coast Guard was notified of this event on November 21, 2025, but we must establish this safety zone by December 31, 2025, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

For the same reasons, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This rule establishes a safety zone from 6 p.m. until 7 p.m. on December 31, 2025. The safety zone will cover all navigable waters of the Lower Mississippi River between Mile Markers 363 and 364. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions,

contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 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.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538), the Coast Guard certifies that this rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1. A

Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

- 2. Add § 165.T08–1062 to read as follows:

§ 165.T08–1062 Safety Zone; Fireworks Display, Lower Mississippi River, Natchez, MS

(a) *Location.* The following area is a safety zone: All navigable waters of the Lower Mississippi River between Mile Markers 363 and 364.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Lower Mississippi River (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at (901) 208–0311. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 6 p.m. to 7 p.m. on December 31, 2025.

Kristi L. Bernstein,

CAPT, U.S. Coast Guard, Captain of the Port Sector Lower Mississippi River.

[FR Doc. 2025–22957 Filed 12–15–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 174

[EPA–HQ–OPP–2025–0212; FRL–13100–01–OCSPP]

SpCas9 Protein; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the SpCas9 protein in or on the food and feed commodities of citrus when used as a plant-incorporated protectant (PIP) in citrus. Soil Culture Solutions LLC (d/b/a Soilcea) submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of SpCas9 protein.

DATES: This regulation is effective December 16, 2025. Objections and requests for hearings must be received on or before February 17, 2026, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2025–0212, is available at <https://www.regulations.gov>. Additional information about the docket generally, along with instructions for visiting the docket in-person, is available at <https://www.epa.gov/dockets>.

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

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

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

determine whether this document applies to them:

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

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

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

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(c)(2)(A)(i) allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is “safe.” FFDCA section 408(c)(2)(A)(ii) defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.” This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .” Additionally, FFDCA section 408(b)(2)(D) requires that the Agency consider, among other things, “available information concerning the cumulative effects of a particular pesticide's residues” and “other substances that have a common mechanism of toxicity.”

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues

resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2025–0212 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before February 17, 2026.

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

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petitioned for Exemption

In the **Federal Register** of July 3, 2025 (90 FR 29515) (FRL–12474–05–OSCPP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 4E9159) by Soil Culture Solutions LLC (d/b/a Soilcea), 3802 Spectrum Blvd., Suite

157, Tampa, FL 33612. The petition requested that 40 CFR part 174 be amended by establishing an exemption from the requirement of a tolerance for residues of the PIP Cas9 protein in citrus. That document referenced a summary of the petition prepared by the petitioner Soilcea, which is available in the docket.

Thirty-six comments were received in response to the notice of filing. All supported the proposed tolerance exemption for SpCas9 protein and urged the Agency to approve the tolerance exemption and associated PIP product registration. No substantive issues were raised in these comments that would affect this tolerance exemption action.

III. Final Tolerance Actions

A. EPA's Safety Determination

EPA evaluated the available toxicological and exposure data on Cas9 protein and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which the EPA relied and its risk assessment based on those data can be found within the document entitled "*Product Characterization Review and Human Health Risk Assessment of the Three Plant-Incorporated Protectants for the Loss-Of-Function Edits in Accelerated Cell Death 2 (ACD2); Lethal Leaf Spot 1 (LLS1); and Papain-Like Cysteine Protease (PLCP) and the Genetic Material Necessary for their Production (gRNAs g5, g213, g86) along with the Cas9 Protein, as Expressed in Citrus Rootstock Containing Event CarriCea T1*" (Human Health Risk Assessment). This document, as well as other relevant information, are available in the docket for this action as described under **ADDRESSES**.

The Cas9 protein is an enzyme (endonuclease) that is part of the CRISPR (Clustered Regularly Interspaced Short Palindromic Repeats) precision genome editing system. CRISPR is an adaptive immune system in procaryotes and archaea that defends the organism from viral infection by cleaving viral DNA. Specifically, CRISPR is a complex consisting of the Cas9 enzyme and a guide RNA (gRNA) molecule. The gRNA binds to DNA in a sequence-specific manner, while the Cas9 protein makes a double-stranded break at that position. Cas9 alone does not have catalytic activity; instead, the incorrect repair of the DNA cut caused by Cas9 results in the loss of function of the targeted gene.

In citrus, SpCas9 protein (derived from the bacterium *Streptococcus pyogenes*), along with three gRNAs have

been genetically engineered into the Carrizo cultivar ("CarriCea T1" rootstock). Each gRNA is complementary to an endogenous citrus gene and the CRISPR system causes loss of function to those genes. The proteins that would be otherwise produced from the targeted genes are involved in pathways exploited by the bacterium *Candidatus Liberibacter asiaticus* (CLAs), the known causal agent of Huanglongbing disease (also known as citrus greening). The loss of function modifications in these genes disrupt the interactions between the plant proteins and CLAs effector proteins, thus interfering with the bacterium's ability to suppress the plant's immune response and establish infection. As a result, the CarriCea T1 rootstock exhibits resistance to bacterial infection by CLAs.

The CRISPR/Cas9 system is ubiquitous in bacteria and archaea where it functions by recognizing and removing foreign DNA, serving as a key component of bacterial immune defense. Cas9 proteins are prevalent across a wide range of bacterial groups, highlighting their ubiquitous presence in the environment. Humans are expected to be exposed to natural Cas9 proteins through their interactions with the natural environment. For example, Cas9 is also found in bacteria used in food production, such as *Streptococcus thermophilus*, and in commensal bacteria like *Lactobacillus plantarum* which is found in the human gastrointestinal tract. This widespread presence suggests regular human exposure to Cas9 proteins through environmental and dietary sources. While the amino acid sequences of the various Cas9 proteins vary between species, the endonuclease function remains conserved. This consistent mechanism across bacteria suggests that the function of Cas9 remains the same in pathogenic and non-pathogenic bacteria and therefore indicates a history of safe exposure to Cas9.

In citrus, exposure to SpCas9 protein through the dietary route is expected to be negligible as the SpCas9 protein is expected to remain localized to the rootstock, with no presence identified in the leaves of grafted scions and therefore no expectation of the protein to be present in the fruit of grafted scions. Similarly, exposure via drinking water is considered unlikely due to SpCas9's containment in the rootstock, as well as the protein's susceptibility to degradation by environmental conditions and microbial activity. If exposure were to occur, the risk is expected to be negligible due to (1) the history of safe exposure of humans to

the Cas9 protein due to the ubiquitous presence of Cas9 proteins in the environment, and the SpCas9 protein in CarriCea T1 sharing nearly identical amino acid sequence homology with the naturally occurring SpCas9; (2) a pesticidal mode of action that is not toxic; (3) bioinformatic analyses demonstrating the absence of significant homology between SpCas9 protein and known toxins or allergens; and (4) data showing the rapid digestibility of SpCas9 protein in gastric enzymes and heat lability at 100 °C, which limits the likelihood for allergenic effects.

As a PIP, the SpCas9 protein is contained within the plant cells and as such, non-occupational and residential exposure is considered to be negligible. Further, there are no proposed residential uses for the CarriCea T1 product containing SpCas9 protein; therefore, a residential handler and post-application exposure and risk assessment has not been conducted.

Although FFDCA section 408(b)(2)(C) provides for an additional tenfold margin of safety for infants and children in the case of threshold effects, EPA has determined that there are no such effects due to the lack of toxicity and allergenicity of SpCas9 protein. As a result, an additional margin of safety for the protection of infants and children is unnecessary.

B. Analytical Enforcement Methodology

EPA has determined that an analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation. Nonetheless, a Western blot method using a monoclonal anti-FLAG antibody was submitted to determine the levels of SpCas9 protein in plant samples. The antibody used to detect SpCas9 protein through its FLAG-tag could also be used to determine SpCas9 presence in citrus, provided no other FLAG-tagged proteins are present at the same time.

C. Conclusion

Based upon its evaluation in the Human Health Risk Assessment, which concluded that SpCas9 protein residues in or on citrus are not toxic to mammals, the EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of SpCas9 protein. Therefore, an exemption from the requirement of a tolerance is established for residues of SpCas9 protein in or on citrus when used according to the label and good agricultural practices.

IV. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

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

D. Regulatory Flexibility Act (RFA)

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

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the States, on the relationship between the

National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

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

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

J. National Technology Transfer Advancement Act (NTTAA)

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

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit

a rule report to each House of 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).

List of Subjects in 40 CFR Part 174

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

Dated: December 4, 2025.

Edward Messina,

Director, Office of Pesticide Programs.

For the reasons set forth in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 174—PROCEDURES AND REQUIREMENTS FOR PLANT-INCORPORATED PROTECTANTS

- 1. The authority citation for part 174 continues to read as follows:

Authority: 7 U.S.C. 136–136y; 21 U.S.C. 321(q), 346a and 371.

- 2. Add § 174.556 to subpart W to read as follows:

§ 174.556 SpCas9 Protein; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance for residues of SpCas9 protein in or on the food and feed commodities of Citrus when used as a Plant-Incorporated Protectant in accordance with label directions and good agricultural practices.

[FR Doc. 2025–22927 Filed 12–15–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 241022–0278]

RIN 0648–BO12

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2025–2026 Biennial Specifications and Management Measures; Inseason Adjustments

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

ACTION: Final rule; inseason adjustments to biennial groundfish management measures.

SUMMARY: This final rule announces routine inseason adjustments to management measures in recreational groundfish fisheries. This action is intended to allow recreational fishing vessels to access more abundant groundfish stocks while protecting overfished and depleted stocks.

DATES: This final rule is effective December 16, 2025.

FOR FURTHER INFORMATION CONTACT: Christopher Biegel, 503–231–6291, christopher.biegel@noaa.gov.

Electronic Access

This rule is accessible via the internet at the Office of the Federal Register website at <https://www.federalregister.gov>. Background information and documents are available at the Pacific Fishery Management Council’s website at <https://www.pcouncil.org/>.

SUPPLEMENTARY INFORMATION:

Background

The Pacific Coast Groundfish Fishery Management Plan (PCGFMP) and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subparts C through G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. The Pacific Fishery Management Council (Council) develops groundfish harvest specifications and management measures for 2-year periods (*i.e.*, a biennium). NMFS published the final rule to implement harvest specifications and management measures for the 2025–2026 biennium for most species managed under the PCGFMP on December 16, 2024 (89 FR 101514). In general, the management measures set at the start of the biennial harvest specifications cycle help the various sectors of the fishery attain, but not exceed, the catch limits for each stock. The Council, in coordination with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, recommends adjustments to the management measures during the fishing year to achieve this goal.

At its September 2025 meeting, the Council recommended an inseason action for the Pacific Coast groundfish fishery. This action involves a canary rockfish sub-bag limit for recreational fishing off the coast of California.

California Recreational Canary Rockfish Sub-Bag Limit

In June 2025, the Council’s Scientific and Statistical Committee (SSC) adopted a new benchmark assessment for California quillback rockfish. At the

same meeting, the Council adopted an inseason action to relax recreational fishing management measures off the coast of California that were originally implemented to reduce angler interactions with quillback rockfish. The June 2025 action included restoring recreational fishing access to all depths between the California/Oregon border and Point Conception (42° N. lat. to 37°07′ N. lat.). In summer 2025, the California Fish and Game Commission (FGC) also took emergency action to implement complementary changes within state regulations to restore recreational fishing access to all depths along that portion of the California coast. In addition, the FGC approved a recreational 2-fish sub-bag limit for the state recreational fishery canary rockfish within the state regulations.

This FGC 2-fish sub-bag limit action was effective on August 28, 2025, and only applies to state jurisdictional waters. Currently, there is no sub-bag limit for canary rockfish in federal regulations for the California recreational fishery, only the 10 fish aggregate bag limit for rockfish, cabezon, and greenlings. The previous changes to allow increased recreational fishing access to depth limits along the California coast allow increased access to the depth range where canary rockfish are commonly encountered in the recreational fishery; thus increasing the likelihood that the California share of the coastwide canary rockfish allocation would be exceeded if additional management measures to address the probability of higher canary rockfish mortality along the California coast were not addressed for the 2025–2026 biennium. Thus, in a September 2025 supplemental California Department of Fish and Wildlife (CDFW) report, CDFW recommended inseason action to implement a recreational 2-fish sub-bag limit for canary rockfish off California within federal regulations. This action is expected to keep canary rockfish mortality off California within limits and accountable to the states’ sharing agreements on the percentage of catch to occur off each state, which are contained in the Pacific Coast groundfish fishery Stock Assessment and Fishery Evaluation (SAFE) document available at <https://www.pcouncil.org/documents/2024/08/status-of-the-pacific-coast-groundfish-fishery-stock-assessment-and-fishery-evaluation-july-2025.pdf>. Additionally, this inseason action would establish consistency across state and federal regulations, and thus across jurisdictional boundaries, which would

reduce regulatory complexity for the angling public.

The Council moved, and NMFS is implementing, a sub-bag limit for canary rockfish of 2 in the recreational fishery in federal waters off California, as recommended by CDFW.

Classification

This final rule makes routine inseason adjustments to groundfish fishery management measures, based on the best scientific information available, consistent with the PCGFMP and its implementing regulations.

This action is taken under the authority of 50 CFR 660.60(c) and is exempt from review under Executive Order 12866.

The aggregate data upon which these actions are based are available for public inspection by contacting Christopher Biegel in NMFS West Coast Region (see **FOR FURTHER INFORMATION CONTACT** section above), or view at the NMFS West Coast Groundfish website: <https://www.westcoast.fisheries.noaa.gov/fisheries/groundfish/index.html>.

Pursuant to 5 U.S.C. 553(b), NMFS finds good cause to waive prior public notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. The adjustments to management measures in this document are designed to keep catch within allocations established by the 2025–2026 harvest specifications. No aspect of this action is controversial, and changes of this nature were anticipated in the final rule for the 2025–2026 harvest specifications and management measures, which published on December 16, 2024 (89 FR 101514).

The Council recommended, and NMFS is implementing, a sub-bag limit for canary rockfish off the coast of California of 2 fish to be consistent with the CDFW bag limit. This inseason change is in response to new information about the fishery and to conservation issues that need to be addressed for the 2025 and 2026 fishing years. Delaying implementation to allow for public comment would impact NMFS's ability to keep the fishery within catch targets set for sustainable fishing. For these same reasons, NMFS finds reason to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(1) so that this final rule may become effective upon publication in the **Federal Register**. These adjustments were requested by the Council's advisory bodies, as well as members of industry during the Council's September 2025 meeting, and recommended by the Council. No aspect

of this action is controversial, and changes of this nature were anticipated in the biennial harvest specifications and management measures for 2025–2026 (89 FR 101514), which were established through a notice and comment rulemaking.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian Fisheries.

Dated: December 11, 2025.

Kelly Denit,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.360, revise paragraph (c)(3)(ii)(B) to read as follows:

§ 660.360 Recreational fishery—management measures.

* * * * *

(c) * * *

(3) * * *

(ii) * * *

(B) *Bag limits, hook limits.* In times and areas when the recreational season for the RCG Complex is open, there is a limit of two hooks and one line when fishing for the RCG complex. The bag limit is 10 RCG Complex fish per day coastwide, with the following sub bag limits: 4 fish for vermilion/sunset rockfish between 42° N lat. and 40°10' N lat., 2 fish for vermilion/sunset rockfish south of 40°10' N lat., 2 fish for canary rockfish, and 1 fish for copper rockfish. These sub-bag limits count towards the bag limit for the RCG Complex and are not in addition to that limit. Retention of yelloweye rockfish, bronzespotted rockfish, quillback rockfish, and cowcod is prohibited. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the value of days in the fishing trip.

* * * * *

[FR Doc. 2025–22949 Filed 12–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250312–0037; RTID 0648–XF345]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from catcher vessels using trawl gear to catcher/processors using trawl gear and vessels using pot gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to allow the 2025 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective December 15, 2025, through 2400 hours, Alaska local time (A.l.t.), December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Adam Zaleski, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2025 Pacific cod TAC specified for catcher vessels using trawl gear in the Central Regulatory Area of the GOA is 5,617 metric tons (mt), as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025).

The 2025 Pacific cod TAC specified for vessels using pot gear is 4,148 mt, as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025).

The 2025 Pacific cod TAC specified for catcher/processors using trawl gear is 626 mt, as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025). The final 2025 and 2026 harvest specifications also establish a directed fishing closure for

Pacific cod for catcher/processors using trawl gear in the Central Regulatory Area of the GOA.

The Administrator, Alaska Region, NMFS (the Administrator) has determined that catcher vessels using trawl gear will not be able to harvest 440 mt of the 2025 Pacific cod TAC allocated to those vessels under § 679.20(a)(12)(i)(B)(4). The Administrator has also determined that catcher/processors using trawl gear and vessels using pot gear have the capability to harvest additional Pacific cod TAC.

Therefore, in accordance with § 679.20(a)(12)(ii)(B), NMFS apportions 420 mt of Pacific cod from catcher vessels using trawl gear to the annual amount specified for catcher/processors using trawl gear and 20 mt of Pacific cod from catcher vessels using trawl gear to the annual amount specified for vessels using pot gear in the Central Regulatory Area of the GOA.

The harvest specifications for 2025 Pacific cod TAC allocated to vessels in the Central Regulatory Area of the GOA included in the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025) is revised as follows: 5,177 mt to catcher vessels using trawl gear, 1,046 mt to catcher/processors using trawl gear, and 4,168 mt to vessels using pot gear.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would not allow for the full harvest of the Pacific cod TACs by the sectors with harvesting capability. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on the harvest of Pacific cod by sectors operating in the Central Regulatory Area of the GOA and the capability of certain sectors to harvest additional TAC only became available as of December 11, 2025.

There is also good cause under 5 U.S.C. 553(d)(3) to make this action effective immediately upon filing with the Office of the Federal Register. This

finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 12, 2025.

Kelly Denit,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

[FR Doc. 2025–22985 Filed 12–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250312–0037; RTID 0648–XF346]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of Pacific cod from catcher vessels using trawl gear to catcher vessels using hook-and-line gear and vessels using pot gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to allow the 2025 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective December 15, 2025, through 2400 hours, Alaska local time (A.l.t.), December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Adam Zaleski, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2025 Pacific cod TAC allocated to catcher vessels using trawl gear in the Western Regulatory Area of the GOA is 2,260 metric tons (mt), as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025).

The 2025 Pacific cod TAC allocated to catcher vessels using hook-and-line gear in the Western Regulatory Area of the GOA is 82 mt, as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025).

The 2025 Pacific cod TAC allocated to vessels using pot gear in the Western Regulatory Area of the GOA is 2,236 mt, as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025).

The Administrator, Alaska Region, NMFS (the Administrator) has determined that catcher vessels using trawl gear will not be able to harvest 220 mt of the 2025 Pacific cod TAC allocated to those vessels under § 679.20(a)(12)(i)(A)(3). The Administrator, has also determined that catcher vessels using hook-and-line gear and vessels using pot gear have the capability to harvest additional Pacific cod TAC.

Therefore, in accordance with § 679.20(a)(12)(ii)(B), NMFS apportions 70 mt of Pacific cod from catcher vessels using trawl gear to the annual amount specified for catcher vessels using hook-and-line gear and 150 mt of Pacific cod from catcher vessels using trawl gear to the annual amount specified for vessels using pot gear.

The harvest specifications for 2025 Pacific cod TAC allocated to vessels in the Western Regulatory Area of the GOA included in the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025) is revised as follows: 2,040 mt to catcher vessels using trawl gear, 152 mt to catcher vessels using hook-and-line gear, and 2,386 mt to vessels using pot gear.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would not allow for the full harvest of the Pacific cod TACs by the sectors with harvesting capability. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on the harvest

of Pacific cod by sectors operating in the Western Regulatory Area of the GOA and the capability of certain sectors to harvest additional TAC only became available as of December 8, 2025.

There is good cause under 5 U.S.C. 553(d)(3) to make this action effective

immediately upon filing with the Office of the Federal Register. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 11, 2025.

Kelly Denit,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

[FR Doc. 2025–22854 Filed 12–15–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 90, No. 239

Tuesday, December 16, 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 JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA1604]

Schedules of Controlled Substances: Placement of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes placing methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate (other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA), *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamide (other name: ADB-4en-PINACA), ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate (other names: 5F-EDMB-PICA; 5F-EDMB-2201), and methyl 2-(1-(4-fluorobenzyl)-1*H*-indole-3-carboxamido)-3-methyl butanoate (other name: MMB-FUBICA), including their salts, isomers (including optical, positional, and geometric isomers), and salts of isomers, in schedule I of the Controlled Substances Act. 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA were temporarily scheduled in an order dated December 12, 2023. If finalized, this action would make permanent the existing regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA.

DATES: Comments must be submitted electronically or postmarked on or before January 15, 2026. The electronic

Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

Interested persons may file a request for a hearing or waiver of hearing pursuant to 21 CFR 1308.44 and in accordance with 21 CFR 1316.47 and/or 1316.49, as applicable. Requests for a hearing and waivers of an opportunity for a hearing or to participate in a hearing, together with a written statement of position on the matters of fact and law asserted in the hearing, must be received or postmarked on or before January 15, 2026.

ADDRESSES: Interested persons may file written comments on this proposal in accordance with 21 CFR 1308.43(g). To ensure proper handling of comments, please reference “Docket No. DEA1064” on all electronic and written correspondence, including any attachments.

- **Electronic comments:** The Drug Enforcement Administration (DEA) encourages commenters to submit comments electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

- **Paper comments:** Paper comments that duplicate the electronic submissions are not necessary and are discouraged. Should you wish to mail a paper comment in lieu of an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

- **Hearing requests:** All requests for a hearing and waivers of participation, together with a written statement of position on the matters of fact and law

asserted in the hearing, must be filed with the DEA Administrator, who will make the determination of whether a hearing will be needed to address such matters of fact and law in the rulemaking. Such requests must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. For informational purposes, a courtesy copy of requests for hearing and waivers of participation should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Dr. Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362-3249.

As required by 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found in the docket for this rulemaking at www.regulations.gov.

SUPPLEMENTARY INFORMATION: The Drug Enforcement Administration (DEA) proposes to permanently schedule the following four controlled substances in schedule I of the Controlled Substances Act (CSA), including their salts, isomers (including optical, positional, and geometric isomers), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate (other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA),
- *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamide (other name: ADB-4en-PINACA),
- ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate (other names: 5F-EDMB-PICA; 5F-EDMB-2201), and,
- methyl 2-(1-(4-fluorobenzyl)-1*H*-indole-3-carboxamido)-3-methyl butanoate (other name: MMB-FUBICA).

Posting of Public Comments

All comments received in response to this docket are considered part of the public record. DEA will make comments available for public inspection online at

<http://www.regulations.gov>, unless reasonable cause is given. Such information includes personal or business identifiers (such as name, address, state of federal identifiers, etc.) voluntarily submitted by the commenter.

Commenters submitting comments which include personal identifying information (PII), confidential, or proprietary business information that the commenter does not want to be made publicly available should submit two copies of the comment. One copy must be marked "CONTAINS CONFIDENTIAL INFORMATION" and should clearly identify all PII or business information the commenter does not want to be made publicly available, including any supplemental materials. DEA will review this copy, including the claimed PII and confidential business information, in its consideration of comments. The second copy should be marked "TO BE PUBLICLY POSTED" and must have all claimed confidential PII and business information already redacted. DEA will post only the redacted comment on <http://www.regulations.gov> for public inspection. DEA generally will not redact additional information contained in the comment marked "TO BE PUBLICLY POSTED." The Freedom of Information Act applies to all comments received.

For easy reference, an electronic copy of this document and supplemental information to this proposed scheduling action are available at <http://www.regulations.gov>.

Request for Hearing or Appearance; Waiver

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act (APA).¹ Interested persons, as defined in 21 CFR 1300.01(b), may file requests for a hearing in conformity with the requirements of 21 CFR 1308.44(a) and 1316.47(a), and such requests must:

- (1) state with particularity the interest of the person in the proceeding;
- (2) state with particularity the objections or issues concerning which the person desires to be heard; and
- (3) state briefly the position of the person regarding the objections or issues.

Any interested person may file a waiver of an opportunity for a hearing or to participate in a hearing in

conformity with the requirements of 21 CFR 1308.44(c), together with a written statement of position on the matters of fact and law involved in any hearing.²

All requests for a hearing and waivers of participation, together with a written statement of position on the matters of fact and law involved in such hearing, must be sent to DEA using the address information provided above. The decision whether a hearing will be needed to address such matters of fact and law in the rulemaking will be made by the Administrator. If a hearing is needed, DEA will publish a notice of hearing on the proposed rulemaking in the **Federal Register**.³ Further, once the Administrator determines a hearing is needed to address such matters of fact and law in rulemaking, he will then designate an Administrative Law Judge (ALJ) to preside over the hearing. The ALJ's functions shall commence upon designation, as provided in 21 CFR 1316.52.

In accordance with 21 U.S.C. 811 and 812, the purpose of a hearing would be to determine whether 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA meet the statutory criteria for placement in schedule I, as proposed in this rulemaking.

Legal Authority

The CSA provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (delegated to the Administrator of DEA pursuant to 28 CFR 0.100) on her own motion, at the request of the Secretary of Health and Human Services (HHS), or on the petition of an interested party.⁴ This proposed action is initiated on the Administrator's own motion and supported by, *inter alia*, a recommendation from the then-Assistant Secretary for Health of the HHS (Assistant Secretary) and an evaluation of all other relevant data by DEA. If finalized, this action would make permanent the existing temporary regulatory controls and administrative, civil, and criminal sanctions of schedule I controlled substances on any person who handles or proposes to handle 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA.

Background

On December 12, 2023, pursuant to 21 U.S.C. 811(h)(1), the previous Administrator published an order in the

Federal Register temporarily placing six synthetic cannabinoids (SCs) in schedule I of the CSA based on the finding that these substances pose an imminent threat to public safety.⁵ The six SCs temporarily controlled under the CSA included the four SCs that are the subject of this proposed rulemaking, as well as methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamido)butanoate (other name: MDMB-4en-PINACA), and 5-pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one (other names: CUMYL-PEGACLONE; SGT-151). These six SCs have not been investigated for medical use. Nor are they intended for human use. This proposed rulemaking focuses on 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA only.

Pursuant to 21 U.S.C. 811(b), DEA gathered the necessary data on 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA and, on April 15, 2025, submitted it to the then-Assistant Secretary for Health of HHS with a request for a scientific and medical evaluation of available information and a scheduling recommendation for 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA.

On December 3, 2025, HHS provided DEA a scientific and medical evaluation entitled, "Basis for the Recommendation to Place 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA and their salts in Schedule I of the Controlled Substances Act," and a scheduling recommendation. Pursuant to 21 U.S.C. 811(b), following consideration of the eight factors and findings related to the substance's abuse potential, legitimate medical use, and dependence liability, HHS recommended that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA be controlled in schedule I of the CSA under 21 U.S.C. 812(b). HHS noted that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA are full agonists at the cannabinoid type 1 (CB1) receptor, have no known medical use in the United States, have no approved new drug applications, and are not known to be marketed anywhere in the world as an approved drug product. HHS also noted that health care practitioners and medical examiners have reported cases of severe clinical adverse events and even death when 4F-MDMB-BUTICA and 5F-EDMB-PICA was ingested.

⁵ *Schedules of Controlled Substances: Temporary Placement of MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA into Schedule I*, 88 FR 86040 (Dec. 12, 2023).

¹ 21 U.S.C. 551–559; 21 CFR 1308.41–1308.45; 21 CFR part 1316, subpart D.

² 21 CFR 1316.49.

³ 21 CFR 1308.44(b), 1316.53.

⁴ 21 U.S.C. 811(a).

Proposed Determination To Permanently Schedule 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA

As discussed above in the background section, the Administrator is initiating proceedings, pursuant to 21 U.S.C. 811(a), to permanently add 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA to schedule I. DEA reviewed the scientific and medical evaluation and scheduling recommendation provided by HHS, all other relevant data, and conducted its own eight-factor analysis in accordance with 21 U.S.C. 811(c). Included below is a brief summary of each factor as analyzed by HHS and DEA in their respective eight-factor analyses, and as considered by DEA in this proposed scheduling determination. Please note that both the DEA and HHS analyses, including the evaluation of the eight factors determinative of control along with their supporting data and citations, are available in their entirety under the tab “Supporting Documents” of the public docket of this proposed rule at <https://www.regulations.gov>, under docket number “DEA1064.”

1. The Drug’s Actual or Relative Potential for Abuse

In addition to considering the information HHS provided in its scientific and medical evaluation document for 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA, DEA also considered all other relevant data regarding actual or relative potential for abuse of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA. The term “abuse” is not defined in the CSA; however, the legislative history of the CSA suggests the following four prongs in determining whether a particular drug or substances has a potential for abuse:⁶

a. There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or

b. There is a significant diversion of the drug or substance from legitimate drug channels; or

c. Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to

administer such drugs in the course of his professional practice; or

d. The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

Both DEA and HHS eight-factor analyses found that the abuse of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA is creating a hazard to the health and safety of both the individual users and others within the community. These four SCs produce pharmacological effects, including adverse effects, that are similar to those produced by other schedule I SCs, such as JWH-018, FUB-AMB, and ADB-PINACA. In its letter dated March 7, 2022, HHS stated that there are no Food and Drug Administration (FDA)-approved drug products containing 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA in the United States, and there appear to be no legitimate sources for these substances as marketed drugs.

Overall, data demonstrate that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA have a high potential for abuse. Thus, based on these data, it is reasonable to conclude that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA, having no medical use, and thus no therapeutic value, present a hazard to the health and safety of individuals and the community.

2. Scientific Evidence of the Drug’s Pharmacological Effects, if Known

As explained in HHS’s and DEA’s respective eight-factor analyses, the available data indicate that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA produce pharmacological effects that are similar to those produced by schedule I SCs, such as JWH-018, FUB-AMB, and ADB-PINACA. Scientific studies demonstrate that, similar to other schedule I SCs, 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA bind to cannabinoid subtype 1 (CB1) receptors and act as agonists at CB1 receptors. Data also demonstrates that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA produce discriminative stimulus effects that are

similar to SCs that have been encountered within the United States. SCs are substances synthesized in laboratories that mimic the biological effects of the schedule I hallucinogen delta-9-tetrahydrocannabinol (THC), the main psychoactive component in marijuana (schedule I). SCs were introduced to the designer drug market in several European countries as “herbal incense” before the initial encounter in the United States by U.S. Customs and Border Protection in November 2008. From 2009 to the present, misuse of SCs has increased in the United States. Law enforcement has encountered SCs applied onto plant material and in other designer drug products intended for human consumption.

4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA have not been investigated for medical use, and they are not intended for human use. With no known legitimate use and safety information, manufacturers are surreptitiously adulterating plant material with 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and/or MMB-FUBICA, and distributors are selling the associated products which pose potentially dangerous consequences to the consumer. The adulterated products, such as “Spice,” “K2,” and many others, are marketed under the guise of “herbal incense” or “potpourri” products and as “legal alternatives to marijuana” or “legal high.” Data from law enforcement, health care practitioners, and scientific and medical literature indicate that SC products are being abused for their psychoactive properties in the absence of information regarding their safety. There have been reports of adverse effects following abuse of 4F-MDMB-BUTICA and 5F-EDMB-PICA, similar to schedule I SCs (e.g., JWH-018, FUB-AMB, and ADB-PINACA). These pharmacological characteristics of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA are predictive of substances that have a high potential for abuse. Overall, these data indicate that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA produces pharmacological effects and that are similar to those of the JWH-018, FUB-AMB, and ADB-PINACA.

3. The State of Current Scientific Knowledge Regarding the Drug or Other Substance

4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA are structurally unrelated to THC, the principle psychoactive chemical in marijuana. Rather, 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-

⁶ Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91-1444, 91st Cong., Sess. 1 (1970); reprinted in 1970 U.S.C.A.N. 4566, 4603.

EDMB-PICA, and MMB-FUBICA are potent SCs that are reported to be smoked for recreational purposes. 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA are CB1 receptor agonists that are pharmacologically similar to THC. Neither DEA nor HHS is aware of any currently accepted medical use for 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA. There are no well-controlled clinical studies showing safety or efficacy for these substances. In addition, there is no evidence by qualified experts that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA are accepted as having therapeutic uses.

4. History and Current Pattern of Abuse

SCs were developed by researchers over the last 30 years as tools for investigating the endocannabinoid system. Since this first encounter, law enforcement seizures, public health and published case reports, and media reporting have demonstrated an increase in the use and abuse of SCs. Law enforcement and public health officials in the United States continue to encounter synthetic cannabinoids, including 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA. According to the National Forensic Laboratory Information System (NFLIS) data, 4F-MDMB-BUTICA was first identified in July 2020 within drug seizure evidence, which was followed by 5F-EDMB-PICA (in December 2020), 4F-MDMB-BUTICA (in February 2021), and ADB-4en-PINACA (in March 2021).⁷ The drug seizures reported by DEA, state and local laboratories, and other federal agencies demonstrate that the four SCs are available for illicit use. In its review, HHS concluded that law enforcement data are suggestive of the illicit availability of the four SCs, which demonstrates that there is a history and current pattern of abuse of these drugs.

5. Scope, Duration and Significance of Abuse

Evidence shows that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA are

recreational drugs of abuse. HHS noted in its recommendation that SCs continue to be encountered on the illicit market despite scheduling actions that attempt to safeguard the public from the adverse effects and safety issues associated with these substances. Novel substances continue to be encountered that differ only by small chemical structural modifications intended to avoid prosecution, while maintaining the pharmacological effects. Law enforcement and health care professionals continue to report the abuse of these substances and their associated products. According to NFLIS, there have been 568 encounters with 4F-MDMB-BUTICA, 403 encounters with ADB-4en-PINACA, 130 encounters with 5F-EDMB-PICA, and 417 encounters with MMB-FUBICA.⁸ Despite attempts to control SCs, illicit manufacturers continue to make small chemical modifications to substances that retain pharmacological activity at the CB1 receptor; thus, they continue to be encountered on the illicit drug market. These encounters of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA by law enforcement indicate that these substances are being trafficked and abused in the United States.

6. What, if Any, Risk There Is to the Public Health

Available evidence on the overall public health risks associated with the use of SCs demonstrate that their use can cause acute health problems leading to emergency department admissions and death. Case reports detailing serious adverse effects have been reported in the literature (*see* additional details at <https://www.regulations.gov> contained within DEA's eight-factor analysis at docket DEA-1604). According to HHS, 4F-MDMB-BICA is reported to produce symptoms that are similar to other SCs. In case reports of abusers that were tested and found positive for SCs, 4F-MDMB-BICA was identified as contributing to the reported SC-like adverse symptoms. Adverse health symptoms reported from incidents involving 4F-MDMB-BICA include chest pain, respiratory problems, tremor, and seizures. Multiple deaths have also been reported following the ingestion of products containing 4F-MDMB-BICA or 5F-EDMB-PICA. While no case reports have been identified regarding ADB-4en-PINACA or MMB-FUBICA, due to their similar pharmacology to other schedule I SCs, it is likely that they would share a similar adverse effect profile.

7. Its Psychic or Physiological Dependence Liability

In its evaluation and recommendation, HHS noted that there are no clinical studies evaluating dependence liabilities specific for 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA. However, scientific data indicate that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA have a pharmacological profile that is similar to other schedule I SCs. 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA bind to the CB1 receptor, function as agonists at the CB1 receptor, and have been shown to produce discriminative stimulus effects that are similar to other schedule I SCs. Thus, it is reasonable to conclude that the cannabinoid-like properties of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA may produce a psychic and/or physiological dependence liability that is similar to other SCs already controlled in schedule I under the CSA, such as JWH-018, FUB-AMB, and ADB-PINACA.

8. Whether the Substance is an Immediate Precursor of a Substance Already Controlled Under the CSA

4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA are not immediate precursors of any substance controlled under the CSA, as defined in 21 U.S.C. 802(23).

Conclusion

After considering the scientific and medical evaluation conducted by HHS, HHS's accompanying scheduling recommendation, and DEA's own eight-factor analysis, DEA finds that these facts and all relevant data constitute substantial evidence of the potential for abuse of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA. As such, DEA proposes to permanently schedule 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA as schedule I controlled substances under the CSA.

Proposed Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule.⁹ After consideration of the analysis and recommendation of the Assistant Secretary for Health of HHS and review of all other available data, the

⁷ NFLIS represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals into illegal markets. NFLIS is a comprehensive information system that includes data from forensic laboratories that handle more than 96% of an estimated 1.0 million distinct annual State and local drug analysis cases. NFLIS includes drug chemistry results from completed analyses only. While NFLIS data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. *See Schedules of Controlled Substances: Placement of Carisoprodol Into Schedule IV*, 76 FR 77330, 77332 (Dec. 12, 2011).

⁸ NFLIS data were queried on October 22, 2025.

⁹ 21 U.S.C. 812(b).

Administrator of DEA, pursuant to 21 U.S.C. 811(a) and 812(b)(1), finds that:

(1) 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA have a high potential for abuse, evidenced in part by data from *in vitro* binding affinity and functional activity studies, as well as by data from *in vivo* drug discrimination tests in animals. In these studies, 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA were demonstrated to be agonists at CB1 receptors, which is a mechanism of action shared with other SCs substances with a high potential for abuse and controlled in schedule I under the CSA. In summary, 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA have similar patterns of drug abuse, as well as similar adverse outcomes as other SCs currently controlled in schedule I of the CSA.

(2) 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA are not legally marketed in the United States, and FDA has not approved a marketing application for a drug product containing 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA for any indication. There are no known medically approved uses worldwide at this time for these substances. Moreover, there are no adequate and well-controlled clinical studies or petitioners, that claim an accepted medical use for these substances in the United States. Thus, there is no evidence that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA has a currently accepted medical use in treatment in the United States.¹⁰

¹⁰ Pursuant to 21 U.S.C. 812(b)(1)(B), when placing a drug or substance in schedule I of the CSA, DEA must consider whether the substance has a currently accepted medical use in treatment in the United States. First, DEA looks to whether the drug or substance has FDA approval. When no FDA approval exists, DEA has traditionally applied a five-part test to a drug or substance to determine whether a drug or substance has a currently medical use: (1) the drug's chemistry must be known and reproducible; (2) there must be adequate safety studies; (3) there must be adequate and well-controlled studies proving efficacy; (4) the drug must be accepted by qualified experts; and (5) the scientific evidence must be widely available. See *Marijuana Scheduling Petition; Denial of Petition; Remand*, 57 FR 10499 (Mar. 26, 1992), pet. for rev. denied, *Alliance for Cannabis Therapeutics v. Drug Enforcement Admin.*, 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA and HHS applied the traditional five-part test for currently accepted medical use in this matter and concluded the test was not satisfied. In a recent published letter in a different context, HHS applied an additional two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care practitioners operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that

(3) Because 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA have no approved medical use and have not been thoroughly investigated as new drugs, their safety for use under medical supervision has not been determined. Thus, there is a lack of accepted safety for use of these substances under medical supervision.

Based on these findings, the Administrator concludes that 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA, including their salts, isomers (including optical, positional, and geometric isomers), and salts of isomers, warrant control in schedule I of the CSA.

Requirements for Handling 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA

As discussed above, 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA are currently subject to a temporary scheduling order, which added them to schedule I. If this rule is finalized as proposed, 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA would be subject, on a permanent basis, to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, dispensing, import, export, engagement in research, conduct of instructional activities or chemical analysis with, and possession of schedule I controlled substances, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA must be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which part (1) is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (April 11, 2024). For purposes of this proposal, there is no evidence that health care providers have widespread experience with medical use of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA, or that the use of these substances is recognized by entities that regulate the practice of medicine, so the two-part test also is not satisfied.

2. *Security.* 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, and in accordance with 21 CFR 1301.71–1301.76. Non-practitioners handling these three substances also must comply with the screening requirements of 21 CFR 1301.90–1301.93.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA must comply with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

4. *Quota.* Only registered manufacturers would be permitted to manufacture 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA in accordance with a quota assigned, pursuant to 21 U.S.C. 826, and in accordance with 21 CFR part 1303.

5. *Inventory.* Any person registered with DEA to handle 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA must have an initial inventory of all stocks of controlled substances (including these substances) on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA) on hand every two years pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant must maintain records and submit reports with respect to 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA, pursuant to 21 U.S.C. 827, 832(a), and 958(e), and in accordance with 21 CFR 1301.74(b) and (c) and 1301.76(b), and parts 1304, 1312, and 1317.

Manufacturers and distributors would be required to submit reports regarding 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA to the Automation of Reports and Consolidated Order System pursuant to 21 U.S.C. 827, and in accordance with 21 CFR parts 1304 and 1312.

7. *Order Forms.* Every DEA registrant who distributes 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA must comply with the order form requirements, pursuant to 21 U.S.C. 828 and 21 CFR part 1305.

8. *Importation and Exportation.* All importation and exportation of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. *Liability.* Any activity involving 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA not authorized by, or in violation of, the CSA or its implementing regulations would be unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866, 13563, 14192, and 14294

In accordance with 21 U.S.C. 811(a), this proposed scheduling action is subject to formal rulemaking procedures done “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563. DEA scheduling actions are not subject to either E.O. 14192, *Unleashing Prosperity Through Deregulation*, or E.O. 14294, *Fighting Overcriminalization in Federal Regulations*.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have Tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects 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.

Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–602, has reviewed this proposed rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities.

On December 12, 2023, DEA published an order to temporarily place 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA, including their salts, isomers (including optical, positional, and geometric isomers), and salts of isomers, in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). DEA estimates that all entities handling or planning to handle 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA have already established and implemented systems and processes required to handle these substances. If finalized, this action would make permanent the existing regulatory

controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, dispense, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess), or propose to handle 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA.

According to HHS, 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and lacks accepted safety for use under medical supervision. There appear to be no legitimate sources for 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA as marketed drug in the United States, but DEA notes that these substances are available for purchase from legitimate suppliers for scientific research. There is no evidence of significant diversion of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA from legitimate suppliers. Therefore, DEA has concluded that this proposed rule, if finalized, will not have a significant economic impact on a substantial number of small entities.

The entities affected by this proposed rule include the manufacturers, distributors, importers, exporters, and researchers of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and MMB-FUBICA. DEA determines the North American Industry Classification System (NAICS) industries that best represent these business activities. Table 1 lists the business activities and corresponding NAICS industries.¹¹

¹¹ Executive Office of the President Office of Management and Budget, North American Industry Classification System, United States, 2022, https://www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf. (Accessed 9/25/2025).

TABLE 1—BUSINESS ACTIVITY AND CORRESPONDING NAICS INDUSTRIES

Business activity	NAICS code	NAICS industry description
Manufacturer	325412	Pharmaceutical Preparation Manufacturing.
Distributor, Importer, Exporter ..	424210	Drugs and Druggists' Sundries Merchant Wholesalers. Other Chemical and Allied Products
	424690	Merchant Wholesalers.
Researcher	541715	Research and Development in Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology) Colleges, Universities and Professional Schools.
	611310	

From Statistics of U.S. Businesses (SUSB) data, DEA determined the number of firms and small firms for each of the affected industries, and by

comparing the number of affected small entities to the number of small entities for each industry, DEA determined whether a substantial number of small

entities are affected in any of the industries. Table 2 lists the number of firms, small firms, and percent small firms in each affected industry.

TABLE 2—PERCENT AFFECTED SMALL ENTITIES BY INDUSTRY

NAICS industry	Firms ¹²	SBA size standard ¹³	Small firms ¹⁴	Percent of small entities (%)
325412—Pharmaceutical Preparation Manufacturing	1,179	1,300 employees ...	1,099	93.2
424210—Drugs and Druggists' Sundries Merchant Wholesalers	7,012	250 employees	6,760	96.4
424690—Other Chemical and Allied Products Merchant Wholesalers	5,487	175 employees	5,197	94.7
541715—Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology).	10,042	1,000 employees ...	9,599	95.6
611310—Colleges, Universities and Professional Schools	2,494	\$34.5 million	1,515	60.8

Based on the American Chemical Society's SciFinder database,¹⁵ DEA identified 11 entities supplying 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA across the industries 325412, 424210, and 424690. However, one entity has already registered with DEA to handle controlled substances. Hence, DEA expects only 10 of the entities in the 325412, 424210, and 424690 industries will be affected by this rule. Assuming that all affected suppliers were small entities and concentrated in the smallest NAICS industry, 325412—Pharmaceutical Preparation Manufacturing, they would account for insubstantial number of small entities in that industry, 0.91 percent.¹⁶

Additionally, DEA expects that the number of researchers working with 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and/or MMB-FUBICA is small, because 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and

MMB-FUBICA are not approved for medical use and have a substantial capability to be a hazard to the health of the user and to the safety of the community. Also, DEA believes that the researchers working with 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, and/or MMB-FUBICA may also work with other controlled substances; hence, these researchers are likely already registered with DEA and are qualified to handle controlled substances. For these reasons, DEA believes the number of affected researchers that are small entities is not a substantial number of small entities in 541715 and 611310 industries.

In summary, the small entities affected by this proposed rule are those in 325412—Pharmaceutical Preparation Manufacturing, 424210—Drugs and Druggists' Sundries Merchant Wholesalers, and 424690—Other Chemical and Allied Products Merchant Wholesalers. The affected small entities account for less than 0.91 percent of small businesses and are not likely to manufacture or carry inventory of 4F-MDMB-BUTICA, ADB-4en-PINACA, 5F-EDMB-PICA, or MMB-FUBICA. As such, the proposed rule, if finalized, is not expected to result in a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1532, DEA has determined and

certifies that this action would not result in any Federal mandate that may result "in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year. . . ." Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This proposed rule would not impose a new collection or modify an existing collection of information under the Paperwork Reduction Act of 1995.¹⁷ Also, this proposed rule would not impose new or modify existing recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. However, this proposed rule would require compliance with the following existing OMB collections: 1117-0003, 1117-0004, 1117-0006, 1117-0008, 1117-0009, 1117-0010, 1117-0012, 1117-0014, 1117-0021, 1117-0023, 1117-0029, and 1117-0056. 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.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control,

¹² Statistics of U.S. Businesses, 2022 SUSB Annual Data Tables by Establishment Industry, <https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html> (Accessed 9/25/2025).

¹³ U.S. Small Business Administration, Table of size standards, Version March 2023, Effective: March 17, 2023, https://www.sba.gov/sites/default/files/2023-06/Table%20of%20Size%20Standards_Effective%20March%2017%2C%202023%20%282%29.pdf (Accessed 9/25/2025).

¹⁴ Based on the estimated number of firms below the SBA size standard for each industry.

¹⁵ SciFinder; Chemical Abstracts Service: Columbus, OH; CAS 2504100-70-1; <https://scifinder.cas.org> (accessed September 24, 2025).

¹⁶ 10/1,099 = 0.91%.

¹⁷ 44 U.S.C. 3501-3521.

Reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11:

■ a. Add new paragraphs (d)(106–109) to read as follows:

■ b. Remove and reserve paragraphs (h)(63), (64), (66) and (67):

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(106) Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate (other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA) ...	7091
(107) <i>N</i> -(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1 <i>H</i> -indazole-3-carboxamide (other name: ADB-4en-PINACA)	7092
(108) Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate (other names: 5F-EDMB-PICA; 5F-EDMB-2201)	7094
(109) Methyl 2-(1-(4-fluorobenzyl)-1 <i>H</i> -indole-3-carboxamido)-3-methyl butanoate (other name: MMB-FUBICA)	7095

Signing Authority

This document of the Drug Enforcement Administration was signed on December 10, 2025, by Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–22963 Filed 12–15–25; 8:45 am]

BILLING CODE 4410–09–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2025–0028; FRL–12474–10–OCSPP]

Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities—October 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of and solicits public comment on initial filings of pesticide petitions requesting the establishment or modification of regulations for

residues of pesticide chemicals in or on various commodities. The Agency is providing this notice in accordance with the Federal Food, Drug, and Cosmetic Act (FFDCA). EPA uses the month and year in the title to identify when the Agency compiled the petitions identified in this notice of filing. Unit II. of this document identifies certain petitions received in 2024 and 2025 that are currently being evaluated by EPA, along with information about each petition, including who submitted the petition and the requested action.

DATES: Comments must be received on or before January 15, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition (PP) of interest identified in Unit II. of this document, 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:

Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows:

- BPPD (Biopesticides and Pollution Prevention Division) (Mail Code 7511M); Shannon Borges; main telephone number: (202) 566–1400; email address: BPPDFRNotices@epa.gov.

- RD (Registration Division) (Mail Code 7505T); Charles Smith; main telephone number: (202) 566–1030; email address: RDIFRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

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

EPA regulations for residues of pesticide chemicals in or on various food commodities are established under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), requires EPA to publish a notice of receipt of these petitions in the **Federal Register** and provide an opportunity for public comment on the requests.

C. What action is the Agency taking?

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the receipt of pesticide petitions filed under FFDCA section 408 that request the establishment or modification of regulations for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioner. Pursuant to 40 CFR 180.7(f), a summary of the petition identified in this document, prepared by the petitioner, is included in a docket. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2), and 40 CFR 180.7(b); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final

determination on these pesticide petitions.

Based upon review of the data supporting these petitions and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA may establish a final tolerance or tolerance exemption that “may vary from that sought by the petitioner.” For example, EPA may determine that it is appropriate to vary the commodity name for consistency with EPA’s Food and Feed Commodity Vocabulary, which is located here <https://www.epa.gov/pesticide-tolerances/food-and-feed-commodity-vocabulary>, or vary the tolerance level based on available data, harmonization interests, or the trailing zeros policy. In addition, when evaluating a petition’s requests for a tolerance or exemption, EPA will consider how use of the pesticide on a crop for which a tolerance is requested may result in residues in or on commodities related to that requested commodity (e.g., whether use on sugar beets for which a tolerance was requested on sugar beet root also requires a tolerance on sugar beet tops or whether use on a cereal grain for which a grain tolerance was requested also requires a tolerance on related animal feed commodities derived from that cereal grain). Public commenters should consider the possibility of such revisions in preparing comments on these petitions.

D. What should I consider as I prepare my comments for EPA?

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. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

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. Petitions Received

This unit provides the following information about the petitions:

- The Pesticide Petition (PP) Identification (IN) number;
- EPA docket ID number for the petition;

- Information about the petition (*i.e.*, name of the petitioner, name of the pesticide chemical residue and the commodities for which a tolerance or exemption is sought);

- The analytical method available to detect and measure the pesticide chemical residue or the petitioner’s statement about why such a method is not needed; and

- The division to contact for that petition.

Additional information on the petitions may be obtained through the petition summaries that were prepared by the petitioners pursuant to 21 U.S.C. 346a(d)(2)(A)(i)(I) and 40 CFR 180.7(b)(1), which are included in the docket for the petition as identified in this unit.

- *PP 4E9147.* (EPA–HQ–OPP–2024–0474). Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to amend 40 CFR part 180.568 by removing the established tolerances for residues of flumioxazin, 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione, in or on the raw agricultural commodities in: Berry, low growing, subgroup 13–07G at 0.07 ppm; cotton, undelinted seed at 0.02 ppm; leaf petioles, subgroup 4B at 0.02 ppm; and pea and bean, dried shelled, except soybean subgroup 6C at 0.07 ppm, upon the establishment of the proposed corresponding tolerances. Practical analytical methods for detecting and measuring levels of flumioxazin have been developed and validated in/on all appropriate agricultural commodities and respective processing fractions. *Contact:* RD.

- *PP 5E9173.* (EPA–HQ–OPP–2025–0184). Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to amend 40 CFR part 180.697 by removing the established tolerance for residues of flutianil, (2Z)-2-[2-fluoro-5-(trifluoromethyl)phenyl]sulfanyl-2-[3-(2-methoxyphenyl)thiazolidin-2-ylidene]acetonitrile, including its metabolites and degradates, in or on hop, dried cones at 2 ppm, upon establishment of the proposed tolerance for residues of flutianil in or on hop, dried cones at 6ppm. The residue analytical methods have been adequately validated and are acceptable for data collection and enforcement purposes. *Contact:* RD.

- *PP 5F9195.* (EPA–HQ–OPP–2025–2565). BASF Corporation, 26 Davis

Drive, Research Triangle Park, NC 27709, requests to amend (increase) the existing afidopyropen tolerance established in 40 CFR part 180.700 in or on orange, subgroup 10–10A from 0.15 parts per million (ppm) to 0.3 ppm. In their initial assessment of afidopyropen (DP No. 441491), EPA’s HED indicated the existing methods and accompanying independent method validations were sufficient to support afidopyropen tolerances. EPA’s ROCKS stated that the submitted analytical method for plant commodities can adequately detect parent afidopyropen (as well as its dimer M440I007) for the purposes of tolerance enforcement. *Contact:* RD.

- *PP 5E9170.* (EPA–HQ–OPP–2025–2400). Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the viricide, Cucumber Green Mottle Mosaic Virus Strain ON–BM3 in or on cucumber. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being proposed. *Contact:* BPPD.

- *PP 4E9146.* (EPA–HQ–OPP–2024–0421). Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to establish a tolerance in 40 CFR 180.431 for residues of the herbicide clopyralid (3,6-dichloro-2-pyridinecarboxylic acid), including its metabolites and degradates, in or on the raw agricultural commodity hazelnut at 0.05 ppm, from its application in the acid form or in the form of its salts. Compliance with the tolerance level proposed is to be determined by measuring only clopyralid, (3,6-dichloro-2-pyridinecarboxylic acid), in or on hazelnut. Adequate analytical methods are available for enforcement purposes for clopyralid in plant and animal matrices. *Contact:* RD.

- *PP 4E9147.* (EPA–HQ–OPP–2024–0474). Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to establish tolerances in 40 CFR 180.568 for residues of flumioxazin, 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione, including its metabolites and degradates, in or on the raw agricultural commodities: Avocado at 0.02 ppm; banana at 0.02 ppm; berry,

low growing, subgroup 13–07G, except cranberry at 0.07 ppm; celtuce at 0.02 ppm; cottonseed subgroup 20C at 0.02 ppm; cranberry at 0.02 ppm; fennel, Florence, fresh leaves and stalk at 0.02 ppm; fig, dried at 0.46 ppm; fig at 0.02 ppm; guava at 0.02 ppm; lychee at 0.02 ppm; leaf petiole vegetable subgroup 22B at 0.02 ppm; pulses, dried shelled bean, except soybean, subgroup 6–22E at 0.07 ppm; pulses, dried shelled pea subgroup 6–22F at 0.07 ppm; stevia, fresh leaves at 0.03 ppm; stevia dried leaves at 0.15 ppm; sugar apple at 0.02 ppm; Swiss chard at 0.02 ppm; vegetable soybean, edible podded at 0.02 ppm; and vegetable soybean, succulent shelled at 0.02 ppm. Compliance with the tolerance levels specified is to be determined by measuring only flumioxazin. Practical analytical methods for detecting and measuring levels of flumioxazin have been developed and validated in/on all appropriate agricultural commodities and respective processing fractions. *Contact:* RD.

- *PP 5E9168.* (EPA–HQ–OPP–2025–0148). Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to establish a tolerance in 40 CFR 180.300 for combined residues of the plant regulator ethephon [(2-chloroethyl) phosphonic acid] in or on fig at 0.02 parts per million. An acceptable analytical method is available for enforcement purposes. *Contact:* RD.

- *PP 5E9173.* (EPA–HQ–OPP–2025–0184). Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to establish tolerances in 40 CFR 180.697 for residues of the fungicide flutianil, including its metabolites and degradates, in or on the following commodities: Brassica leafy greens subgroup 4–16B at 6 parts per million (ppm); hop, dried cones at 6 ppm; lettuce, head at 1.5 ppm, lettuce, leaf at 4 ppm and peach subgroup 12–12B at 0.3 ppm; and vegetable, fruiting, group 8–10 at 0.3 ppm. Compliance with the tolerance levels specified is to be determined by measuring only flutianil, (2Z)-2-[2-fluoro-5-(trifluoromethyl) phenyl] sulfanyl-2-[3-(2-methoxyphenyl) thiazolidin-2-ylidene] acetonitrile in or on the listed commodities. The residue analytical methods have been adequately validated and are acceptable for data collection and enforcement purposes. *Contact:* RD.

- *PP 5E9187.* (EPA–HQ–OPP–2025–1840). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419–8300, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide pydiflumetofen in or on banana, whole fruit at 0.4 parts per million (ppm). The analytical method GRM061.03A is used to measure and evaluate the chemical pydiflumetofen. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: December 4, 2025.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2025–22937 Filed 12–15–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

RIN 0648–B002

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery Management Plan; Amendment 36; Limited Entry Fixed Gear Follow-On Actions

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

ACTION: Notice of availability of proposed fishery management plan amendment; request for comments.

SUMMARY: NMFS announces that the Pacific Fishery Management Council (Council) submitted amendment 36 to the Pacific Coast Groundfish Fishery Management Plan (Groundfish FMP) to the Secretary of Commerce for review. If approved, amendment 36 would add flexibility to gear endorsements for limited entry fixed gear (LEFG) permit owners and remove the base permit designation of LEFG permits. Amendment 36 would also update language regarding LEFG and open access (OA) allocations related to amendment 6 to the Groundfish FMP. Amendment 36 is part of a larger proposed rulemaking action for the LEFG fishery, which includes two additional action items, the removal of the start and end times (*i.e.*, hours of the day) for the open dates of the primary tier season and the development of a cost recovery program for the LEFG fishery. Those action items do not require a plan amendment and,

therefore, are not discussed in detail in this Notice of Availability (NOA).

DATES: Comments on amendment 36 must be received on or before February 10, 2026.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2025–0372, by the following method:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2025–0372 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Electronic copies of proposed amendment 36 and the draft analysis (the Analysis) prepared for this action may be obtained from <https://www.regulations.gov> and the NMFS West Coast Region website at <https://www.fisheries.noaa.gov/region/west-coast>.

FOR FURTHER INFORMATION CONTACT:

Megan Mackey, 206–526–6140, megan.mackey@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) seaward of Washington, Oregon, and California under the Groundfish FMP. The Council prepared and NMFS implements the Groundfish FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, and implementing regulations at 50 CFR parts 600 and 660. The Magnuson-Stevens Act requires that each regional fishery management council submit any FMP or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or plan amendment, immediately publish a notice that the FMP or amendment is available for

public review and comment. This notice announces that the proposed amendment 36 to the Groundfish FMP is available for public review and comment. NMFS will consider the public comments received during the comment period described above in determining whether to approve, partially approve, or disapprove amendment 36 to the Groundfish FMP.

Background

The history of the LEFG program (or LEFG fishery) in the Pacific Coast groundfish fishery dates back to the 1980s, and is detailed in Section 1.2 of the Analysis. In June 2022, the Council completed its second review of the LEFG fishery, with the adoption of the final report, 2022 LEFG Program Review,¹ including its assessment of the fishery's research and data needs and recommendations for program changes.

In June 2023, the Council considered a series of potential new management measures for the fishery and provided guidance on the development of a range of alternatives (ROA) for these measures. The Council also recommended that these items be split into two rulemaking packages: (1) fixed gear marking and entanglement risk reduction, and (2) LEFG follow-on actions. The Council took final action on the fixed gear marking and entanglement risk reduction measures in June 2024, and the associated regulations are anticipated to be in place in 2026.

In September 2023, the Council adopted a purpose and need and ROA for this proposed action for LEFG follow-on actions. At its March 2025 meeting, the Council adopted a preliminary preferred alternative (PPA) for this action. The Council then adopted a final preferred alternative (FPA) in June 2025.

The proposed LEFG follow-on action includes four action items. Only the first two actions require an FMP amendment to implement. For details on the remaining items, see the forthcoming proposed rule. The action items include:

1. Adding flexibility to the LEFG permit gear endorsements,
2. Removing the base permit designation of LEFG permits,
3. Removing the start and end times (*i.e.*, hours of the day) for the open dates of the primary tier season, and
4. Developing a cost recovery program for the LEFG primary fishery.

With regard to the first action item on flexibility for gear endorsements, the

Council noted that the most recent LEFG fishery review illustrated changing and unpredictable ocean and market conditions, and an aging fleet, indicating a need to increase flexibility for LEFG participants to use their quota in the most efficient way possible and to encourage new participation in the fishery. The Council determined that this need could be met by allowing LEFG permitted vessels to use different legal non-trawl gear(s), besides the gear currently endorsed on their permit, to harvest their LEFG quotas, and that allowing such gear flexibility could increase efficiency as well as opportunities for LEFG sablefish tier vessels and participants to more fully utilize annual groundfish allocations.

The Council considered a range of three action alternatives, with increasing levels of flexibility, for the proposed gear endorsement flexibility action item (see Section 2.1 of the Analysis). The first alternative would have allowed vessels registered to bottom longline-endorsed permits to also use slinky pots to harvest their quota. The second alternative would have broadened the flexibility by allowing an LEFG permit holder to use bottom longline or pot gear, including traditional and slinky pots. The third alternative, which is included in the FPA, would allow the most flexibility with respect to gear use, by creating a single LE non-trawl permit, under which vessels would be permitted to use any legal non-trawl groundfish gear to harvest their LE sablefish tier limits and groundfish trip limits, except for set nets or other entangling nets. This is currently allowed for vessels fishing in the directed OA sector and for vessels fishing individual fishing quota (IFQ) under the gear switching provisions of the Shorebased IFQ Program. Under the proposed amendment, all LEFG vessels would be allowed to use pot and bottom longline gears, and vertical hook-and-line or other legal non-trawl gear configurations, to harvest groundfish. This proposed action would also remove crossover provisions, currently applicable to the LE and OA sectors, in order to reduce regulatory and enforcement complexity.

The FPA for the gear endorsement flexibility action item includes a suboption that was added following PPA that would exclude the use of entangling nets from the gears permitted. This suboption was included after the Council raised concerns about the potential for the expanded use of set nets within the LEFG fishery under this action, as then proposed. Set nets are defined under the broader category of "entangling nets," which also includes

gillnets and trammel nets. Set nets are currently allowed in the OA groundfish fishery south of 38° North latitude (N lat.), but prohibited north of 38° N lat. (50 CFR 660.330(b)(2)(ii)). Under the FPA, without the suboption, LEFG vessels would have been able to use set nets. The suboption excludes the use of all entangling nets, including set nets, for the LE sector, under the new gear endorsement flexibility framework. There has been no record of directed groundfish vessels using set nets or other entangling nets to harvest groundfish off the U.S. West Coast (see Section 4.5.1 of the Analysis).

The second action item included in proposed amendment 36 concerns the base permit designation of LEFG permits. The base permit designation was used to determine that at least one permit in a sablefish permit stack had a length endorsement that was long enough for the vessel. It was highlighted during the 2022 LEFG program review, however, that the requirement to designate a base permit is duplicative and unnecessary, and that the vessel length requirement is already covered by a separate regulation within § 660.25(b)(3)(iii), subpart C. Therefore, the 2022 program review concluded that the base permit designation is not necessary to enforce the vessel length requirement, and the Council and NMFS found that the designation of a base permit for LEFG vessels creates an unnecessary administrative burden on fishery participants and NMFS staff (see Section 2.2 of the Analysis). This proposed action would therefore remove this requirement from the regulations.

Overall, the action items included in this proposed FMP amendment would provide increased flexibility to participants in the LEFG fishery, while reducing administrative burdens.

Proposed regulatory changes to establish the action items included in this proposed amendment will be presented in a forthcoming proposed rule. In terms of specific changes to the Groundfish FMP, amendment 36 would amend Chapters 6 and 11 of the Groundfish FMP to:

- Change all references from "limited entry fixed gear" or references to LEFG and pot/longline endorsements to "limited entry non-trawl" or LENT;
- Remove base permit language;
- Update language to reflect the Council has implemented a permit stacking program and link to appropriate regulations;
- Remove outdated amendment 6 language and references, including replacing references to LE and OA allocations with more general

¹ <https://www.pcouncil.org/documents/2022/06/limited-entry-fixed-gear-permit-stacking-program-review-june-2022.pdf/>.

statements on how the Council will consider opportunities for each sector;

- Remove initial issuance criteria for LE permits and shift this information to Stock Assessment Fishery Evaluation (SAFE) or other documents; and
- Remove references to permit endorsements that are no longer applicable to the groundfish fishery (*i.e.*, “B” endorsements and provisional “A” endorsements).

NMFS welcomes comments on the proposed FMP amendment through the end of the comment period. A proposed rule to implement amendment 36 has been submitted for Secretarial review and approval. NMFS expects to publish and request public review and comment on proposed regulations to implement amendment 36 in the near future. For public comments on the proposed rule to be considered in the approval or disapproval decision on amendment 36, those comments must be received by the end of the comment period on the proposed amendment. All comments received by the end of the comment period for the amendment, whether specifically directed to the amendment or the proposed rule, will be considered in the approval/disapproval decision.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 11, 2025.

Kelly Denit,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

[FR Doc. 2025–22948 Filed 12–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 251212–0183; RTID 0648–XF288]

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; 2026 and 2027 Harvest Specifications for Groundfish

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

ACTION: Proposed rule; harvest specifications and request for comments.

SUMMARY: NMFS proposes 2026 and 2027 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to

establish harvest limits for groundfish during the 2026 and 2027 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The final 2026 harvest specifications will supersede those previously set in the final 2025 and 2026 harvest specifications, and the 2027 harvest specifications will be superseded in early 2027 when the final 2027 and 2028 harvest specifications are published. The final 2026 and 2027 harvest specifications will be effective for one year from the publication of the final rule implementing those specifications, which is anticipated to publish in March 2026. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments must be received by January 5, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-1164>. You may submit comments on this document, identified by NOAA–NMFS–2025–1164 by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2025–1164 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS), Record of Decision (ROD) for the

Final EIS, and the annual Supplementary Information Reports (SIR) to the Final EIS prepared for this action are available from <https://www.regulations.gov>. An updated 2026 SIR for the final 2026 and 2027 harvest specifications will be available from the same source. The final 2024 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, dated December 2024, is available from the North Pacific Fishery Management Council (Council) at 1007 West Third, Suite 400, Anchorage, AK 99501–2252, phone 907–271–2809, or from the Council’s website at: <https://www.npfmc.org>.

FOR FURTHER INFORMATION CONTACT:

Abby Jahn, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the GOA groundfish fisheries in the exclusive economic zone (EEZ) of the GOA under the FMP. The Council prepared and recommended the FMP under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

The FMP and its implementing regulations require that NMFS, after consultation with the Council, specify the total allowable catch (TAC) for each target species, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (§§ 679.20(a)(1)(i)(B) and 679.20(a)(2)). Section 679.20(c)(1) further requires NMFS to publish and solicit public comment on proposed annual TACs and apportionments thereof for each target species, Pacific halibut prohibited species catch (PSC) limits, and seasonal allowances of pollock and Pacific cod. The proposed harvest specifications in tables 1 through 19 of this proposed rule would satisfy these requirements once finalized through a final rulemaking. For 2026 and 2027, the sum of the proposed TAC amounts is 464,741 mt.

Under § 679.20(c)(3), NMFS will publish the final 2026 and 2027 harvest specifications after: (1) considering comments received within the comment period (see **DATES**); (2) consulting with the Council at its December 2025 meeting; (3) considering information presented in the 2026 SIR to the Final EIS that assesses the need to prepare a Supplemental EIS (see **ADDRESSES**); and (4) considering information presented in the final 2024 SAFE report, including the Ecosystem Status Report (ESR) for the GOA. The final 2026 and 2027 harvest specifications will be effective for one year from the publication of the final rule implementing those

specifications, which is anticipated to publish in March 2026.

Other Actions Affecting the 2026 and 2027 GOA Harvest Specifications

In October 2025, the Alaska Board of Fisheries (BOF), which manages fisheries in State of Alaska (State) waters, adopted a proposal to increase the South Alaska Peninsula guideline harvest level (GHL) from 30 percent to 35 percent. This action affects the available Pacific cod TAC in the Western GOA and subsequent sectors whose allocations are derived from the Western GOA TAC because the TAC is adjusted to account for the GHL amount. NMFS intends to reflect this change in the final 2026 and 2027 harvest specifications for Pacific cod TAC and allocations for the Western GOA.

Proposed Allowable Biological Catch (ABC) and TAC Specifications

In October 2025, the Council, its Scientific and Statistical Committee (SSC), and its Advisory Panel (AP) reviewed the most recent biological and harvest information on the condition of the GOA groundfish stocks. The Council's GOA Groundfish Plan Team (Plan Team) compiled and presented this information in the final 2024 SAFE report for the GOA groundfish fisheries, dated December 2024 (see **ADDRESSES**). The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters including possible future condition of the stocks, as well as summaries of the available information on the GOA ecosystem and the economic condition of the GOA groundfish fisheries off Alaska. The SAFE provides information to the Council and NMFS for recommending and setting, respectively, annual harvest levels for each stock and documenting significant trends or changes in the resource, marine ecosystems, and fisheries over time. An appendix to the SAFE report is the Ecosystem Status Reports (ESRs). The ESRs compile and summarize information about the status of the Alaska marine ecosystems for the Plan Team, SSC, AP, Council, NMFS, and the public, and are updated annually. These ESRs include ecosystem report cards, ecosystem assessments, and ecosystem-based management indicators (e.g., climate indices, sea surface temperature) which together provide context for ecosystem-based fisheries management in Alaska. The ESRs inform stock assessments and are integrated in the annual harvest recommendations through inclusion in stock assessment-specific risk tables. Also, the ESR information provides

context for the SSC's recommendations for overfishing limits (OFL) and ABCs, as well as for the Council's TAC recommendations. The SAFE reports and the ESRs are typically presented at the October and December Council meetings before the SSC, AP, and the Council make groundfish harvest specification recommendations and aid NMFS in implementing these annual groundfish harvest specifications.

In addition to the 2024 SAFE report, the Plan Team, SSC, and Council also reviewed preliminary 2025 survey data, updates on ecological and socioeconomic profiles for certain species, and summaries of potential changes to models and methodologies. From these data and analyses, the Plan Team recommends, and the SSC sets, the proposed OFL and ABC for each species and species group. The proposed 2026 and 2027 OFLs and ABCs are based on the 2024 SAFE report. The AP and Council recommended that the proposed 2026 and 2027 TACs be set equal to proposed ABCs for all species and species groups, with the exception of the species and species groups further discussed below. The individual stock assessments that comprise, in part, the 2024 SAFE report are available at: <https://www.fisheries.noaa.gov/alaska/population-assessments/north-pacific-groundfish-stock-assessment-and-fishery-evaluation>.

The proposed 2026 and 2027 OFLs and ABCs are based on the best available biological and scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The FMP specifies the tiers to be used to calculate OFLs and ABCs. The tier applicable to a particular stock or stock complex is determined by the level of reliable information available to the fisheries scientists. This information is categorized into a successive series of six tiers to define OFLs and ABCs, with tier 1 representing the highest level of information quality available and tier 6 representing the lowest level of information quality available. The Plan Team used the FMP tier structure to calculate OFLs and ABCs for each groundfish species. The SSC adopted the proposed 2026 and 2027 OFLs and ABCs recommended by the Plan Team for all groundfish species. The proposed 2026 and 2027 TACs are based on the best available biological and socioeconomic information. In making its recommendations, the Council adopted the SSC's OFL and ABC recommendations and the AP's TAC

recommendations for all groundfish species.

NMFS has reviewed the recommendations of the SSC and Council for OFLs, ABCs, and TACs for target species and species groups in the GOA as well as any other relevant information. Based on that review, NMFS is proposing the OFLs, ABCs, and TACs set forth in the tables of this proposed rule as consistent with the Magnuson-Stevens Act, the FMP, and other applicable law, subject to further review and consideration after public comment.

Potential Changes Between Proposed and Final Specifications

In November of each year, the Plan Team typically updates the SAFE report to include new information collected such as NMFS surveys, revised stock assessments drafted by stock assessment authors, and catch data. Due to the lapse in appropriations and resulting government shutdown from October 1, 2025, through November 12, 2025, the stock assessment authors were not able to complete their assessments and the Plan Team did not meet in November to review and update the 2024 SAFE report.

At the December 2025 Council meeting, the SSC and Council plan to consider the most recent and complete SAFE, ecosystem information presented in September/October as well as updated information on climate and oceanography, and other information including updated catch reports and survey information. The Council will also consider, as it normally does, SSC and AP recommendations, public testimony, and relevant written public comments in recommending the final 2026 and 2027 harvest specifications. Pursuant to § 679.20(a)(2) and (3), the Council could recommend that NMFS adjust the final TACs, if warranted, based on the biological condition of groundfish stocks or a variety of socioeconomic considerations, or if required for the sum of TACs to fall within the OY range.

In previous years, the most significant changes to the OFLs and ABCs from the proposed to the final harvest specifications have been based on the most recent NMFS stock surveys and model updates. These surveys provide updated estimates of stock biomass and spatial distribution, and inform changes to the models used for producing stock assessments. At the September 2025 Plan Team meeting, NMFS scientists presented updated and new survey results. Scientists also discussed potential changes to assessment models, and accompanying preliminary stock

estimates. At the October 2025 Council meeting, the SSC reviewed this information. Normally, the Plan Team would then review survey results, model changes, and updated stock assessments for groundfish stocks at the November Plan Team meeting, which the SSC would then review, along with the Plan Team recommendations, at the December SSC meeting. Model changes based on SSC recommendations often result in changes to final OFLs, ABCs, and TACs. This year, however, there are likely to be limited changes between the proposed and final specifications because no model reruns or additional review could be completed by the Plan Team due to the lapse in appropriations and the government shutdown.

Specification and Apportionment of TAC Amounts

The combined Western and Central Regulatory Areas and the West Yakutat (WYK) District of the Eastern Regulatory Area (W/C/WYK) pollock TAC and the GOA Pacific cod TACs are set to account for the GHLS for the State waters pollock and Pacific cod fisheries so that the ABCs are not exceeded. The GOA-wide octopus TAC accounts for the GHL of 16 mt (35,000 lbs rounded). These reductions are described below. The shallow-water flatfish TAC in the Western Regulatory Area, arrowtooth flounder TAC in the Western Regulatory Area, and flathead sole TAC in the Western Regulatory Area are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other fisheries. The Atka mackerel TAC is set to accommodate incidental catch amounts (ICA) in other fisheries. The other rockfish TAC in the Southeast Outside (SEO) District of the Eastern Regulatory Area is set to reduce discards of species in that complex.

NMFS's proposed apportionments of groundfish species are based on the distribution of biomass among the regulatory areas over which NMFS manages the species. Additional regulations govern the apportionment of pollock, Pacific cod, and sablefish. Additional detail on apportionments of pollock, Pacific cod, and sablefish are described below.

The proposed 2026 and 2027 TAC for the pollock stock in the combined W/C/WYK Regulatory Area is set to account for the GHL established by the State for the Prince William Sound (PWS) pollock fishery. The Plan Team, SSC, AP, and Council have recommended that the sum of all pollock removals from State waters and Federal waters pollock in the GOA not exceed ABC

recommendations. State fisheries managers set the PWS GHL at 2.5 percent of the annual W/C/WYK pollock ABC. For 2026 and 2027, this would yield a projected PWS pollock GHL of 3,326 mt, a decrease of 26.5 percent from the 2025 PWS GHL of 4,526 mt. After reductions for the PWS GHL, the remaining 2026 and 2027 W/C/WYK pollock ABC is then apportioned among four statistical areas (areas 610, 620, 630, and 640), as described below and detailed in table 1. The total TACs for the four statistical areas, plus the State GHL, do not exceed the W/C/WYK pollock ABC. For 2026 and 2027, the proposed W/C/WYK pollock ABC is 133,075 mt, and the proposed TAC is 129,749 mt.

Apportionments of pollock to the W/C/WYK management areas are considered to be apportionments of the TAC. This more accurately reflects that such apportionments address management concerns, rather than biological or conservation concerns. In addition, apportionments in this manner allow NMFS to balance any transfer of TAC among Areas 610, 620, and 630 pursuant to § 679.20(a)(5)(iv)(B) to ensure that the ABC, ACL, and total TAC for the stock (W/C/WYK pollock) are not exceeded.

NMFS proposes pollock TACs in the Western Regulatory Area (area 610), Central Regulatory Area (areas 620 and 630), the West Yakutat District (area 640), and the SEO District (area 650) of the GOA (see table 1). NMFS also proposes seasonal apportionment of the annual pollock TAC in the Western and Central Regulatory Areas of the GOA among Statistical areas 610, 620, and 630. These apportionments are divided equally among the following two seasons: the A season (January 20 through May 31) and the B season (September 1 through November 1) (§§ 679.23(d)(2) and 679.20(a)(5)(iv)). Additional detail is provided below in table 2.

The proposed 2026 and 2027 Pacific cod TACs are set to account for the State's GHLS for Pacific cod in State waters in the Western and Central Regulatory Areas, as well as in PWS (in the Eastern Regulatory Area) (see table 1). The Plan Team, SSC, AP, and Council recommended that the sum of all Pacific cod removals from State waters and Federal waters in the GOA not exceed ABC recommendations. Accordingly, the Council recommended the 2026 and 2027 Pacific cod TACs in the Western, Central, and Eastern Regulatory Areas to account for State GHLS. Therefore, the proposed 2026 and 2027 Pacific cod TACs are reduced by

the following amounts: (1) Western GOA, 2,455 mt; (2) Central GOA, 4,816 mt; and (3) Eastern GOA, 687 mt. These amounts reflect the State's 2026 and 2027 GHLS in these areas, which are 30 percent for the Western GOA, and 25 percent for the Eastern and Central GOA.

The Western and Central GOA Pacific cod TACs are allocated among various gear and operational sectors. NMFS also establishes seasonal apportionments of the annual Pacific cod TACs in the Western and Central Regulatory Areas. The Pacific cod sector allocations and seasonal apportionments are discussed in detail in a subsequent section and in table 4 of this proposed rule.

The Council's recommendation for sablefish area apportionments takes into account the prohibition on the use of trawl gear in the SEO District of the Eastern Regulatory Area (§ 679.7(b)(1)) and makes available 5 percent of the Eastern Regulatory Area (WYK and SEO Districts combined) TAC to vessels using trawl gear for use as incidental catch in other trawl groundfish fisheries in the WYK District (§ 679.20(a)(4)(i)). Additional detail is provided below. Tables 5 and 6 list the proposed 2026 and 2027 allocations of the sablefish TAC to fixed gear and trawl gear in the GOA.

For 2026 and 2027, the Council recommends, and NMFS proposes, the OFLs, ABCs, and TACs listed in table 1. These amounts are consistent with the biological condition of groundfish stocks as described in the 2024 SAFE report. The proposed ABCs reflect harvest amounts that are less than the specified OFLs. The proposed TACs are adjusted for other biological and socioeconomic considerations and do not exceed the ABCs. The sum of the proposed TACs for all GOA groundfish is 464,741 mt for 2026 and 2027, which is within the OY range specified by the FMP. These proposed amounts and apportionments by area, season, and sector are subject to change pending consideration of the SSC and AP recommendations, public comment, and the Council's recommendations for the final 2026 and 2027 harvest specifications during its December 2025 meeting. The final 2026 and 2027 harvest specifications will be effective for one year from the publication of the final rule implementing those specifications, which is anticipated to publish in March 2026.

TABLE 1—PROPOSED 2026 AND 2027 OFLs, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, AND EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SOUTHEAST OUTSIDE DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULF-WIDE DISTRICT OF THE GULF OF ALASKA

[Values are rounded to the nearest metric ton]

Species	Area ¹	OFL	ABC	TAC
Pollock ²	Shumagin (610)	27,453	27,453	27,453
	Chirikof (620)	60,477	60,477	60,477
	Kodiak (630)	37,936	37,936	37,936
	WYK (640)	3,883	3,883	3,883
	W/C/WYK (subtotal)	153,971	133,075	129,749
	SEO (650)	12,998	9,749	9,749
	Total	166,969	142,824	139,498
Pacific Cod ³	W	8,182	5,727	5,727
	C	19,263	14,447	14,447
	E	2,748	2,061	2,061
	Total	36,459	30,193	22,235
Sablefish ⁴	W	4,687	4,687	4,687
	C	9,622	9,622	9,622
	WYK	2,652	2,652	2,652
	SEO	5,589	5,589	5,589
	Subtotal TAC	n/a	n/a	22,550
	Total	57,797	47,008	n/a
Shallow-water flatfish ⁵	W	23,902	13,250	13,250
	C	28,455	28,455	28,455
	WYK	2,846	2,846	2,846
	SEO	1,707	1,707	1,707
	Total	69,610	56,910	46,258
Deep-water Flatfish ⁶	W	231	231	231
	C	2,568	2,568	2,568
	WYK	1,795	1,795	1,795
	SEO	2,238	2,238	2,238
	Total	8,114	6,832	6,832
Rex sole	W	3,353	3,353	3,353
	C	13,582	13,582	13,582
	WYK	1,413	1,413	1,413
	SEO	2,825	2,825	2,825
	Total	25,743	21,173	21,173
Arrowtooth flounder	W	33,716	14,500	14,500
	C	68,511	68,511	68,511
	WYK	6,719	6,719	6,719
	SEO	11,039	11,039	11,039
	Total	143,347	119,985	100,769
Flathead sole	W	13,757	8,650	8,650
	C	22,083	22,083	22,083
	WYK	4,018	4,018	4,018
	SEO	2,122	2,122	2,122
	Total	51,176	41,980	36,873
Pacific ocean perch ⁷	W	1,688	1,688	1,688
	C	27,156	27,156	27,156
	WYK	1,993	1,993	1,993
	SEO	6,672	6,672	6,672
	Total	44,826	37,509	37,509
Northern rockfish ⁸	W	1,346	1,346	1,346
	C	3,549	3,549	3,549
	E	n/a	n/a	0
	Total	5,848	4,895	4,895
Shortraker rockfish ⁹	W	34	34	34
	C	189	189	189
	E	424	424	424
	Total	863	647	647
Dusky rockfish ¹⁰	W	199	199	199
	C	5,527	5,527	5,527

TABLE 1—PROPOSED 2026 AND 2027 OFLs, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, AND EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SOUTHEAST OUTSIDE DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULF-WIDE DISTRICT OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area ¹	OFL	ABC	TAC
	WYK .....	.....	204	204
	SEO .....	.....	91	91
	Total	7,319	6,021	6,021
Rougheye/Blackspotted rockfish ¹¹	W .....	.....	229	229
	C .....	.....	366	366
	E .....	.....	608	608
	Total	1,631	1,203	1,203
Demersal shelf rockfish ¹²	W/C/WYK .....	.....	271	271
	SEO	524	394	394
Thornyhead rockfish ¹³	W .....	.....	206	206
	C .....	.....	590	590
	E .....	.....	542	542
	Total	1,784	1,338	1,338
Other rockfish ¹⁴	W/C/WYK .....	.....	1,084	1,084
	SEO .....	.....	2,421	300
	Total	4,618	3,505	1,384
Atka mackerel	GW	6,200	4,700	3,000
Big skate ¹⁵	W .....	.....	745	745
	C .....	.....	1,749	1,749
	E .....	.....	341	341
	Total	3,780	2,835	2,835
Longnose skate ¹⁶	W .....	.....	104	104
	C .....	.....	1,894	1,894
	E .....	.....	538	538
	Total	3,380	2,536	2,536
Other skates ¹⁷	GW	887	665	665
Sharks	GW	6,521	4,891	4,891
Octopuses	GW	1,307	980	964
Total	Total	649,064	539,295	464,741

¹ Regulatory areas and districts are defined at § 679.2. (W = Western Gulf of Alaska; C = Central Gulf of Alaska; E = Eastern Gulf of Alaska; WYK = West Yakutat District; SEO = Southeast Outside District; GW = Gulfwide).

² The total for the W/C/WYK Regulatory Areas pollock ABC is 133,075. After deducting 2.5 percent (3,326 mt) of the ABC for the State's pollock GHL fishery, the remaining amount of 129,749 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (Areas 610, 620, 630, and 640). The TACs in Areas 610, 620, and 630 are further divided by season, as detailed in table 2 (proposed 2026 and 2027 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal allowances). In the West Yakutat (Area 640) and Southeast Outside (Area 650) Districts of the Eastern Regulatory Area, pollock TACs are not divided into seasonal allowances.

³ The annual Pacific cod TAC is apportioned, after seasonal apportionment to the jig sector, as follows: (1) 63.84 percent to the A season and 36.16 percent to the B season; and (2) 64.16 percent to the A season and 35.84 percent to the B season in the Western and Central Regulatory Areas of the GOA, respectively. The Pacific cod TAC in the Eastern Regulatory Area of the GOA is allocated 90 percent to vessels harvesting Pacific cod for processing by the inshore component and 10 percent to vessels harvesting Pacific cod for processing by the offshore component. Table 4 lists the proposed 2026 and 2027 Pacific cod seasonal apportionments and sector allocations.

⁴ The sablefish OFL and ABC are set Alaska-wide (57,797 mt and 47,008 mt, respectively), and the GOA sablefish TAC is 22,550 mt. Tables 5 and 6 list the proposed 2026 and 2027 allocations of sablefish TACs.

⁵ "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

⁶ "Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deep sea sole.

⁷ "Pacific ocean perch" means *Sebastes alutus*.

⁸ "Northern rockfish" means *Sebastes polypsinis*. For management purposes, the 1 mt apportionment of ABC to the WYK District of the Eastern Regulatory Area has been included in the other rockfish species group.

⁹ "Shortraker rockfish" means *Sebastes borealis*.

¹⁰ "Dusky rockfish" means *Sebastes variabilis*.

¹¹ "Rougheye and blackspotted rockfish" means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

¹² "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomatulatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

¹³ "Thornyhead rockfish" means *Sebastes* species.

¹⁴ "Other rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergray), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, other rockfish also includes northern rockfish (*S. polypsinus*).

¹⁵ Other rockfish in the Western and Central Regulatory Areas and in the West Yakutat District of the Eastern Regulatory Area means all rockfish species included in the other rockfish and demersal shelf rockfish categories. The other rockfish species group in the SEO District only includes other rockfish.

¹⁶ "Big skates" means *Beringraja binoculata*.

¹⁷ "Longnose skates" means *Raja rhina*.

¹⁸ “Other skates” means *Bathyraja*.

Proposed Apportionment of Reserves

Section 679.20(b)(2) requires NMFS to set aside 20 percent of each TAC for pollock, Pacific cod, flatfish, sharks, and octopuses in reserve for possible apportionment at a later date during the fishing year. Section 679.20(b)(3) authorizes NMFS to reapportion all or part of these reserves. In 2025, NMFS reapportioned all of the reserves in the final harvest specifications. For 2026 and 2027, NMFS proposes reapportionment of each of the reserves for pollock, Pacific cod, flatfish, sharks, and octopuses back into the original TAC from which the reserve was derived. NMFS expects, based on recent harvest patterns, that such reserves will not be necessary and that the entire TAC for each of these species will be caught or are needed to promote efficient fisheries. The TACs in table 1 reflect this proposed reapportionment of reserve amounts to the original TAC for these species and species groups (*i.e.*, each proposed TAC for the above-mentioned species or species groups contains the full TAC recommended by the Council).

Proposed Apportionments of Pollock TAC Among Seasons and Regulatory Areas, and Allocations for Processing by Inshore and Offshore Components

In the GOA, pollock is apportioned by season and is further allocated for processing by inshore and offshore components. Pursuant to § 679.20(a)(5)(iv)(B), the annual pollock TAC specified for the Western and Central Regulatory Areas of the GOA is apportioned into two seasonal allowances of 50 percent. As established by § 679.23(d)(2), the A and B season allowances are available from January

20 through May 31 and September 1 through November 1, respectively.

Pollock TACs in the Western and Central Regulatory Areas of the GOA are apportioned among statistical areas 610, 620, and 630 in proportion to the distribution of pollock biomass determined by the most recent NMFS surveys, pursuant to § 679.20(a)(5)(iv)(A). The pollock chapter of the 2024 SAFE report (see **ADDRESSES**) contains a comprehensive description of the apportionment and reasons for the minor changes from past apportionments. Pollock is specified between two seasons for the Western and Central Regulatory Areas of the GOA (A and B seasons). There are four seasonal apportionments: A, B, C, and D seasons, as outlined in the 2024 GOA pollock assessment in the 2024 SAFE report. The GOA pollock stock assessment continues to use a four-season methodology to determine pollock distribution in the Western and Central Regulatory Areas of the GOA to maintain continuity in the historical pollock apportionment time-series. A and B seasons from the assessment are aggregated into the A season for the purposes of specifications and C and D seasons from the assessment are aggregated into the B season for the purposes of specifications. This method is described and calculated in the 2024 GOA pollock assessment.

Within any fishing year, the amount by which a seasonal allowance is underharvested or overharvested may be added to, or subtracted from, the subsequent seasonal allowance in a manner to be determined by the Regional Administrator (§ 679.20(a)(5)(iv)(B)). The rollover amount is limited to 20 percent of the

subsequent seasonal TAC apportionment for the statistical area. Any unharvested pollock above the 20-percent limit could be further distributed to the subsequent season in the other statistical areas, in proportion to the estimated biomass of the subsequent season and in an amount no more than 20 percent of the seasonal TAC allowance in those statistical areas (§ 679.20(a)(5)(iv)(B)). The proposed 2026 and 2027 pollock TACs in the WYK District of 3,883 mt and the SEO District of 9,749 mt are not allocated by season.

Table 2 lists the proposed 2026 and 2027 area apportionments and seasonal allowances of pollock in the Western and Central Regulatory Areas. The amounts of pollock for processing by the inshore and offshore components are not shown. Section 679.20(a)(6)(i) requires allocation of 100 percent of the pollock TAC in all regulatory areas and all seasonal allowances to vessels catching pollock for processing by the inshore component after subtraction of amounts projected by the Regional Administrator to be caught by, or delivered to, the offshore component incidental to directed fishing for other groundfish species. Thus, the amount of pollock available for harvest by vessels harvesting pollock for processing by the offshore component is the amount that will be taken as incidental catch during directed fishing for groundfish species other than pollock, up to the maximum retainable amounts allowed by § 679.20(e) and (f). At this time, these ICAs of pollock are unknown and will be determined during the fishing year during the course of fishing activities by the offshore component.

TABLE 2—PROPOSED 2026 AND 2027 AREA APPORTIONMENTS BASED ON THE DISTRIBUTION OF POLLOCK IN THE CENTRAL AND WESTERN REGULATORY AREAS OF THE GULF OF ALASKA; AND SEASONAL ALLOWANCES OF ANNUAL TAC ¹
[Values are rounded to the nearest metric ton]

Season ²	Shumagin (610)	Chirikof (620)	Kodiak (630)	Total ³
A season	4,109	46,510	12,314	62,933
B season	23,344	13,967	25,622	62,933
Annual total	27,453	60,477	37,936	125,866

¹ Area apportionments and seasonal allowances may not total precisely due to rounding.

² As established by § 679.23(d)(2), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

³ The West Yakutat and Southeast Outside District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

Proposed Annual and Seasonal Apportionments of Pacific Cod TAC

NMFS proposes allocations for the 2026 and 2027 Pacific cod TACs in the Western and Central Regulatory Areas of the GOA among gear and operational sectors consistent with § 679.20(a)(12)(i), which sets forth the sector allocations by percentage of TAC. NMFS also proposes seasonal apportionments of the Pacific cod TACs in the Western and Central Regulatory Areas consistent with § 679.20(a)(12), which specifies the apportionments by season for gear and operational sectors. A portion of the annual TAC is apportioned to the A season for hook-and-line, pot, and jig gear from January 1 through June 10, and for trawl gear from January 20 through June 10. The remainder of the annual TAC is apportioned to the B season for jig gear from June 10 through December 31, for hook-and-line and pot gear from September 1 through December 31, and for trawl gear from September 1 through November 1 (§§ 679.23(d)(3) and 679.20(a)(12)). NMFS also proposes allocating the 2026 and 2027 Pacific cod TACs annually between the inshore (90 percent) and offshore (10 percent) components in the Eastern Regulatory Area of the GOA as required by § 679.20(a)(6)(ii).

In the Western GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among catcher vessels (CV) using hook-and-line gear, catcher/processors (CP) using hook-and-line gear, CVs using trawl gear, CPs using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(A)). In the Central GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among CVs less than 50 feet (15.2 meters (m)) in length

overall using hook-and-line gear, CVs equal to or greater than 50 feet (15.2 m) in length overall using hook-and-line gear, CPs using hook-and-line gear, CVs using trawl gear, CPs using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(B)). For 2026 and 2027, NMFS proposes apportioning the jig sector allocations for the Western and Central GOA between the A season (60 percent) and the B season (40 percent) as required by § 679.20(a)(12)(i). Excluding seasonal apportionments to the jig gear sector, NMFS proposes apportioning the remainder of the annual Pacific cod TACs as required by § 679.20(a)(12)(i) as follows: the seasonal apportionments of the annual TAC in the Western GOA are 63.84 percent to the A season and 36.16 percent to the B season, and in the Central GOA are 64.16 percent to the A season and 35.84 percent to the B season.

Under § 679.20(a)(12)(ii), any overage or underage of the Pacific cod allowance from the A season may be subtracted from, or added to, the subsequent B season allowance. In addition, any portion of the hook-and-line, trawl, pot, or jig sector allocations that is determined by NMFS as likely to go unharvested by a sector may be reallocated to other sectors for harvest during the remainder of the fishing year consistent with the factors set forth in 50 CFR part 679.

Pursuant to § 679.20(a)(12)(i)(A) and (B), a portion of the annual Pacific cod TACs in the Western and Central GOA will be allocated to vessels that use jig gear before the TACs are apportioned among other non-jig sectors. In accordance with the FMP, the annual jig sector allocations may increase to up to 6 percent of the annual Western and Central GOA Pacific cod TACs,

depending on the annual performance of the jig sector (see table 1 of amendment 83 to the FMP for a detailed discussion of the jig sector allocation process (76 FR 74670, December 1, 2011)). Jig sector allocation increases are established for a minimum of 2 years.

NMFS has evaluated the historical harvest performance of the jig sector in the Western and Central GOA and is proposing the 2026 and 2027 Pacific cod apportionments to this sector based on its historical harvest performance through 2025, a process established by amendment 83. For 2026 and 2027 in the Western GOA, NMFS proposes that the jig sector receive 2.5 percent of the annual Pacific cod TAC. The 2026 and 2027 allocation consists of a base allocation of 1.5 percent of the Western GOA Pacific cod TAC and a remaining harvest performance allocation of 1 percent. The jig sector is unlikely to reach 90 percent of the Western GOA Pacific cod allocation for the 2025 fishing year. Because the jig sector did not reach 90 percent of the Western GOA Pacific cod allocation in the 2024 fishing year either, NMFS proposes that the harvest performance allocation decrease by 1 percent from the prior year allocation of 3.5 percent. For 2026 and 2027 in the Central GOA, NMFS proposes that the jig sector receive 4 percent of the annual Pacific cod TAC. The 2026 and 2027 allocation consists of a base allocation of 1 percent and a harvest performance increase of 3 percent based on harvest performance through October 2025 because the jig sector reached 90 percent of its Central GOA Pacific cod allocation for the 2025 fishing year. The Pacific cod jig allocations, catch, and percent allocation changes from 2014 to 2025 are listed in table 3.

TABLE 3—SUMMARY OF WESTERN GOA AND CENTRAL GOA PACIFIC COD CATCH BY JIG GEAR IN 2014 THROUGH 2025, AND CORRESPONDING PERCENT ALLOCATION CHANGES

Area	Year	Initial percent of TAC	Initial TAC allocation	Catch (mt)	Percent caught of initial allocation	Greater than 90% of initial allocation?	Change to percent allocation
Western GOA	2014	2.5	573	785	137	Y	Increase 1.
	2015	3.5	948	55	6	N	None.
	2016	3.5	992	52	5	N	Decrease 1.
	2017	2.5	635	49	8	N	Decrease 1.
	2018	1.5	125	121	97	Y	Increase 1.
	2019	2.5	134	134	100	Y	Increase 1.
	2020	¹ n/a					
	2021	3.5	195	26	13	N	None.
	2022	3.5	243	2	1	N	Decrease 1.
	2023	2.5	131	131	101	Y	Increase 1.
	2024	3.5	214	17	8	N	None.
	2025	3.5	213	89	42	N	Decrease 1.
Central GOA	2014	2	797	262	33	N	Decrease 1.
	2015	1	460	355	77	N	None.
	2016	1	370	267	72	N	None.
	2017	1	331	18	6	N	None.
	2018	1	61	0	0	N	None.
	2019	1	58	30	52	N	None.

TABLE 3—SUMMARY OF WESTERN GOA AND CENTRAL GOA PACIFIC COD CATCH BY JIG GEAR IN 2014 THROUGH 2025, AND CORRESPONDING PERCENT ALLOCATION CHANGES—Continued

Area	Year	Initial percent of TAC	Initial TAC allocation	Catch (mt)	Percent caught of initial allocation	Greater than 90% of initial allocation?	Change to percent allocation
	2020	¹ n/a					
	2021	1	102	26	26	N	None.
	2022	1	113	3	3	N	None.
	2023	1	111	246	222	Y	Increase 1.
	2024	2	309	303	98	Y	Increase 1.
	2025	3	462	444	96	Y	Increase 1.

¹ NMFS did not evaluate the 2020 performance of the jig sectors in the Western and Central GOA because NMFS prohibited directed fishing for all Pacific cod sectors in 2020 (84 FR 70438, December 23, 2019).

NMFS intends to re-evaluate the annual 2025 harvest performance of the jig sector in the Western and Central GOA when the 2025 fishing year is complete to determine whether to change the jig sector allocations proposed by this action in conjunction with the final 2026 and 2027 harvest specifications. Given the current

trajectory of harvest in the jig sector, it is unlikely that the allocations will change from what is described here. The current catch through November 2025 by the Western and Central GOA jig sectors indicates that the Pacific cod allocation percentage to the Western GOA jig sector would decrease by 1 percent and the Central GOA jig sector

would increase by 1 percent, which is reflected in the proposed allocations for the jig sector listed in table 4.

Table 4 lists the seasonal apportionments and allocations of the proposed 2026 and 2027 Pacific cod TACs.

TABLE 4—PROPOSED 2026 AND 2027 SEASONAL APPORTIONMENTS AND ALLOCATIONS OF PACIFIC COD TAC AMOUNTS IN THE GOA; ALLOCATIONS TO THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest metric ton]

Regulatory area and sector	Annual allocation (mt)	A Season sector percentages of annual non-jig TAC	A Season allowances (mt)	B Season sector percentages of annual non-jig TAC	B Season allowances (mt)
Western GOA:					
Jig (2.5% of TAC)	143	n/a	86	n/a	57
Hook-and-line CV	78	0.7	39	0.7	39
Hook-and-line CP	1,106	10.9	609	8.9	497
Trawl CV	2,144	31.54	1,761	6.86	383
Trawl CP	134	0.9	50	1.5	84
Pot CV and Pot CP	2,122	19.8	1,106	18.2	1,016
Total	5,727	63.84	3,651	36.16	2,076
Central GOA:					
Jig (4% of TAC)	578	n/a	347	n/a	231
Hook-and-line <50 CV	2,025	9.32	1,292	5.29	733
Hook-and-line ≥ 50 CV	930	5.61	778	1.1	152
Hook-and-line CP	708	4.11	570	1	138
Trawl CV	5,767	25.29	3,508	16.29	2,259
Trawl CP ¹	582	2	278	2.19	304
Pot CV and Pot CP	3,856	17.83	2,473	9.98	1,383
Total	14,447	64.16	9,245	35.84	5,202
Eastern GOA .....	.....	Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	
Total	2,061	1,855		206	

¹ Trawl catcher vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 550 mt, of the annual Central GOA Pacific cod TAC (see Table 28c to 50 CFR part 679). This apportionment is deducted from the Trawl CV B season allowance (see table 9: Proposed 2026 and 2027 Apportionments of Rockfish Secondary Species in the Central GOA and Table 28c to 50 CFR part 679).

Proposed Allocations of the Sablefish TAC Amounts to Vessels Using Fixed Gear and Trawl Gear

Section 679.20(a)(4)(i) and (ii) requires allocations of sablefish TACs for each of the regulatory areas and

districts to fixed and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is allocated to fixed gear, and 20 percent of each TAC is allocated to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC

is allocated to fixed gear, and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may be used only to support incidental catch of sablefish while

directed fishing for other target species using trawl gear (§ 679.20(a)(4)(i)).

In recognition of the prohibition against trawl gear in the SEO District of the Eastern Regulatory Area, the Council recommended, and NMFS proposes, specifying for incidental catch the allocation of 5 percent of the Eastern Regulatory Area sablefish (WYK and SEO Districts combined) TAC to trawl gear in the WYK District of the Eastern Regulatory Area. The remainder of the WYK District sablefish TAC is allocated to vessels using fixed gear. This proposed action allocates 100 percent of the sablefish TAC in the SEO District to vessels using fixed gear. This results in proposed 2026 allocations of 412 mt to trawl gear and 2,240 mt to fixed gear in the WYK District, and a proposed 2026 allocation of 5,589 mt to fixed gear in the SEO District. The Council recommended that the trawl sablefish

TAC be established for 2 years so that retention of incidental catch of sablefish by trawl gear could commence in January in the second year of the groundfish harvest specifications. Table 5 lists the allocations of the proposed 2026 sablefish TACs to fixed and trawl gear. Table 6 lists the allocations of the proposed 2027 sablefish TACs to trawl gear.

The Council also recommended, and NMFS proposes, that the fixed gear sablefish TAC be established annually to ensure that the sablefish individual fishing quota (IFQ) fishery is conducted concurrently with the halibut IFQ fishery and is based on the most recent survey information. Since NMFS anticipates publishing the final harvest specifications before the IFQ season begins (typically, in early March), the Council recommended, and NMFS proposes, that the fixed gear sablefish

TAC be set annually, rather than for 2 years. Accordingly, table 5 lists the proposed 2026 fixed gear allocations. The 2027 fixed gear allocations will be specified in the final 2027 and 2028 harvest specifications.

With the exception of the trawl allocations that are provided to the Rockfish Program (see Table 28c to 50 CFR part 679), directed fishing for sablefish with trawl gear is typically closed during the fishing year (see table 27 of the final 2025 and 2026 GOA harvest specifications, 90 FR 12468, March 18, 2025). Also, fishing for groundfish with trawl gear is prohibited prior to January 20 (§ 679.23(c)). Therefore, it is not likely that the sablefish allocation to trawl gear would be reached before the effective date of the final 2026 and 2027 harvest specifications.

TABLE 5—PROPOSED 2026 SABLEFISH TAC AMOUNTS IN THE GULF OF ALASKA AND ALLOCATIONS TO FIXED AND TRAWL GEAR

[Values are rounded to the nearest metric ton]

Area/district	TAC	Fixed gear allocation	Trawl allocation
Western	4,687	3,750	937
Central ¹	9,622	7,698	1,924
West Yakutat ²	2,652	2,240	412
Southeast Outside	5,589	5,589	0
Total	22,550	19,277	3,273

¹ The proposed trawl allocation of sablefish to the Central Regulatory Area is further apportioned to the Rockfish Program cooperatives (990 mt). See table 9: Proposed 2026 and 2027 Apportionments of Rockfish Secondary Species in the Central GOA. This results in 934 mt being available for the non-Rockfish Program trawl fisheries.

² The proposed trawl allocation is based on allocating 5 percent of the Eastern Regulatory Area (West Yakutat and Southeast Outside Districts combined) sablefish TAC as incidental catch to trawl gear in the West Yakutat District.

TABLE 6—PROPOSED 2027 SABLEFISH TAC AMOUNTS IN THE GULF OF ALASKA AND ALLOCATIONS TO TRAWL GEAR

[Values are rounded to the nearest metric ton]

Area/district	TAC	Fixed gear allocation ¹	Trawl allocation
Western	4,687	n/a	937
Central ²	9,622	n/a	1,949
West Yakutat ³	2,652	n/a	412
Southeast Outside	5,589	n/a	0
Total	22,550	n/a	3,273

¹ The Council recommended, and NMFS proposes, that the 2027 harvest specifications for the fixed gear sablefish IFQ fisheries not be specified in the 2026 and 2027 harvest specifications. The 2027 fixed gear allocations will be specified in the final 2027 and 2028 harvest specifications.

² The proposed trawl allocation of sablefish to the Central Regulatory Area is further apportioned to the Rockfish Program cooperatives (990 mt). See table 9: Proposed 2026 and 2027 Apportionments of Rockfish Secondary Species in the Central GOA. This results in 934 mt being available for the non-Rockfish Program trawl fisheries.

³ The proposed trawl allocation is based on allocating 5 percent of the Eastern Regulatory Area (West Yakutat and Southeast Outside Districts combined) sablefish TAC as incidental catch to trawl gear in the West Yakutat District.

Proposed Allocations, Apportionments, and Sideboard Limitations for the Rockfish Program

These proposed 2026 and 2027 harvest specifications for the GOA include the fishery cooperative

allocations and sideboard limitations established by the Rockfish Program. Participants in the Rockfish Program are primarily trawl CVs and trawl CPs, with limited participation by vessels using longline gear. The Rockfish Program

assigns quota share and cooperative quota to trawl participants for primary species (*i.e.*, Pacific ocean perch, northern rockfish, and dusky rockfish) and secondary species (*i.e.*, Pacific cod, rougheye and blackspotted rockfish,

sablefish, shortraker rockfish, and thornyhead rockfish), allows a participant holding a Limited License Program (LLP) license with rockfish quota share to form a rockfish cooperative with other persons, and allows holders of CP LLP licenses to opt out of the fishery. The Rockfish Program also has an entry level fishery for rockfish primary species for vessels using longline gear. Longline gear includes hook-and-line, jig, troll, and handline gear.

Under the Rockfish Program, rockfish primary species in the Central GOA are allocated to participants after deducting for incidental catch needs in other directed fisheries (§ 679.81(a)(2)). Participants in the Rockfish Program also receive a portion of the Central GOA TAC of specific secondary species. In addition to groundfish species, the Rockfish Program allocates a portion of the halibut PSC limit (191 mt) from the

third season deep-water species fishery allowance for the GOA trawl fisheries to Rockfish Program participants (§ 679.81(d) and Table 28d to 50 CFR part 679). The Rockfish Program also establishes sideboard limits to restrict the ability of participating harvesters to increase their participation in other, non-Rockfish Program fisheries. These restrictions and halibut PSC limits are discussed in the *Rockfish Program Groundfish Sideboard and Halibut PSC Limitations* section of this proposed rule.

Section 679.81(a)(2)(ii) and Table 28e to 50 CFR part 679 require allocations of 5 mt of Pacific ocean perch, 5 mt of northern rockfish, and 50 mt of dusky rockfish to the entry level longline fishery in 2026 and 2027. The allocations of primary species to the entry level longline fishery may increase incrementally each year if the catch exceeds 90 percent of the allocation of

a species. The incremental increase in the allocations would continue each year until reaching the maximum percentage of the TAC for that species. In 2025, the catch for all three primary species did not exceed 90 percent of any allocated rockfish species. Therefore, NMFS is not proposing any increases to the 2026 and 2027 entry level longline fishery allocations in the Central GOA. The remainder of the TACs for the rockfish primary species, after subtracting the ICAs, would be allocated to the CV and CP cooperatives (§ 679.81(a)(2)(iii)). Table 7 lists the allocations of the proposed 2026 and 2027 TACs for each rockfish primary species to the entry level longline fishery, the potential incremental increases for future years, and the maximum percentages of the TACs of the rockfish primary species allocations to the entry level longline fishery.

TABLE 7—PROPOSED 2026 AND 2027 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES TO THE ENTRY LEVEL LONGLINE FISHERY IN THE CENTRAL GULF OF ALASKA

Rockfish primary species	Proposed 2026 and 2027 allocations (mt)	Incremental increase in 2026 if >90 percent of 2025 allocation is harvested (mt)	Up to maximum percent of TAC
Pacific ocean perch	5	5	1
Northern rockfish	5	5	2
Dusky rockfish	50	20	5

Allocations among vessels belonging to CV or CP cooperatives are not included in these proposed harvest specifications. Rockfish Program applications for CV cooperatives and CP cooperatives are not due to NMFS until March 1 of each calendar year; therefore, NMFS cannot calculate 2026 and 2027 cooperative allocations in conjunction with these proposed

harvest specifications. Cooperative allocations are calculated based on the formulas set forth in § 679.81(b), (c), and (e). NMFS will announce the 2026 cooperative allocations after March 1 in the **Federal Register**.

Table 8 lists the proposed 2026 and 2027 allocations of rockfish primary species in the Central GOA to the entry level longline fishery and to the rockfish

program participants. NMFS also proposes setting aside ICAs for other directed fisheries in the Central GOA of 3,500 mt of Pacific ocean perch, 300 mt of northern rockfish, and 250 mt of dusky rockfish. These amounts are based on recent average incidental catches in the Central GOA by other groundfish fisheries.

TABLE 8—PROPOSED 2026 AND 2027 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GULF OF ALASKA TO THE ENTRY LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM

[Values are rounded to the nearest metric ton]

Species	TAC	Incidental catch allowance	TAC minus ICA	Initial allocation to entry level ¹	Allocation to rockfish program participants ²
Pacific ocean perch	27,156	3,500	23,656	5	23,651
Northern rockfish	3,549	300	3,249	5	3,244
Dusky rockfish	5,527	250	5,277	50	5,227
Total	36,232	4,050	32,182	60	32,122

¹ Longline gear includes hook-and-line, jig, troll, and handline gear (50 CFR 679.2).

² Rockfish Program participants include vessels in CV and CP Rockfish Program cooperatives (50 CFR 679.81).

Section 679.81(c) and Table 28c to 50 CFR part 679 require allocations of rockfish secondary species to CV and CP

cooperatives in the Central GOA. CV cooperatives receive allocations of Pacific cod, sablefish from the trawl gear

allocation, and thornyhead rockfish. CP cooperatives receive allocations of sablefish from the trawl gear allocation,

rougheye and blackspotted rockfish, shortraker rockfish, and thornyhead rockfish. Table 9 lists the

apportionments of the proposed 2026 and 2027 TACs of rockfish secondary

species in the Central GOA to CV and CP cooperatives.

TABLE 9—PROPOSED 2026 AND 2027 APPORTIONMENTS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CATCHER VESSEL AND CATCHER/PROCESSOR COOPERATIVES

[Values are in metric tons]

Rockfish secondary species	Central GOA annual TAC	CV cooperatives percentage of TAC	CV cooperatives apportionment (mt)	CP cooperatives percentage of TAC	CP cooperatives apportionment (mt)
Pacific cod	14,447	3.81	550	n/a	n/a
Sablefish	9,622	6.78	652	3.51	338
Shortraker rockfish	189	n/a	n/a	40	76
Rougheye/blackspotted rockfish	366	n/a	n/a	58.87	215
Thornyhead rockfish	590	7.84	46	26.5	156

Halibut PSC Limits

Section 679.21(d) establishes annual halibut PSC limit apportionments to trawl and hook-and-line gear, and authorizes the establishment of apportionments for pot gear. In October 2025, the Council recommended, and NMFS proposes, halibut PSC limits of 1,705 mt for trawl gear, 256 mt for hook-and-line gear, and 9 mt for the demersal shelf rockfish (DSR) fishery in the SEO District for both 2026 and 2027.

The DSR fishery in the SEO District is defined at § 679.21(d)(2)(ii)(A). This fishery is apportioned 9 mt of the halibut PSC limit in recognition of its small-scale harvests of groundfish (§ 679.21(d)(2)(i)(A)). The separate halibut PSC limit for the DSR fishery is intended to prevent that fishery from being impacted from the halibut PSC incurred by other GOA fisheries. NMFS estimates low halibut bycatch in the DSR fishery because: (1) the duration of the DSR fisheries and the gear soak times are short; (2) the DSR fishery occurs in the winter when there is less overlap in the distribution of DSR and halibut; and (3) the directed commercial DSR fishery has a low DSR TAC. The Alaska Department of Fish and Game sets the commercial GHL for the DSR fishery after deducting: (1) estimates of DSR incidental catch in all fisheries (including halibut and subsistence); and (2) the allocation to the DSR sport fish fishery. The directed DSR fishery was closed in 2020 and remains closed due to concerns about declining DSR biomass.

NMFS, after consultation with the Council, proposes to exempt pot gear, jig gear, and the sablefish IFQ fixed gear fishery categories from the non-trawl halibut PSC limit for 2026 and 2027.

NMFS, in alignment with recommendations from the Council, is proposing these exemptions because: (1) pot gear fisheries have low annual halibut bycatch mortality; (2) NMFS estimates negligible halibut mortality for the jig gear fisheries given the small amount of groundfish harvested by jig gear, the selective nature of jig gear, and the high survival rates of halibut caught and released with jig gear; (3) IFQ program regulations prohibit discard of legal sized halibut if any halibut IFQ permit holder on board a CV holds unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)); and (4) some sablefish IFQ permit holders hold halibut IFQ permits and are therefore required to retain the legal sized halibut they catch while fishing sablefish IFQ.

The best available information on estimated halibut bycatch consists of data collected by fisheries observers during 2025. The calculated halibut bycatch mortality through November 8, 2025, is 283 mt for trawl gear and 79 mt for hook-and-line gear, for a total halibut mortality of 362 mt. This halibut mortality was calculated using observer reports extrapolated to total groundfish harvest from the NMFS Alaska Region's catch accounting system.

Section 679.21(d)(4)(i) and (ii) authorizes NMFS to seasonally apportion the halibut PSC limits after consultation with the Council. The FMP and regulations require that NMFS and the Council consider the following information in seasonally apportioning halibut PSC limits: (1) seasonal distribution of halibut; (2) seasonal distribution of target groundfish species relative to halibut distribution; (3)

expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catch of target groundfish species; (4) expected bycatch rates on a seasonal basis; (5) expected changes in directed groundfish fishing seasons; (6) expected actual start of fishing effort; and (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry. Based on public comment, information presented in the 2024 SAFE report, NMFS catch data, State catch data, and International Pacific Halibut Commission (IPHC) stock assessment and mortality data, the Council may recommend, or NMFS may make, changes to the seasonal, gear-type, or fishery category apportionments of halibut PSC limits for the final 2026 and 2027 harvest specifications pursuant to § 679.21(d)(1) and (4).

The final 2025 and 2026 harvest specifications (March 18, 2025, 90 FR 12468) list the Council's and NMFS's seasonal apportionments based on these FMP and regulatory considerations with respect to halibut PSC limits. The Council's and NMFS's seasonal apportionments for these proposed 2026 and 2027 harvest specifications are unchanged from the final 2025 and 2026 harvest specifications. Table 10 lists the proposed 2026 and 2027 Pacific halibut PSC limits, allowances, and apportionments. The halibut PSC limits in tables 10, 11, and 12 reflect the halibut PSC limits set forth at § 679.21(d)(2) and (3). Section 679.21(d)(4)(iii) and (iv) specifies that any underages or overages of a seasonal apportionment of a halibut PSC limit will be added to or deducted from the next respective seasonal apportionment within the fishing year.

TABLE 10—PROPOSED 2026 AND 2027 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS
[Values are in metric tons]

Gear	Season	Percent	Amount
Trawl	January 20–April 1	30.50	520
	April 1–July 1	20	341
	July 1–August 1	27	460
	August 1–October 1	7.50	128
	October 1–December 31	15	256
	Total		1,705
Hook-and-line (other than DSR) ¹	January 1–June 10	86	220
	June 10–September 1	2	5
	September 1–December 31	12	31
	Total		256
Hook-and-line (DSR)	January 1–December 31	100	9

¹ The Pacific halibut prohibited species catch (PSC) limit for hook-and-line gear is assigned to the demersal shelf rockfish (DSR) fishery in the SEO District and to hook-and-line fisheries other than the DSR fishery. The Council recommended, and NMFS proposes, that the fixed gear sablefish IFQ fishery, and the pot and jig gear groundfish fisheries, be exempt from halibut PSC limits.

Section 679.21(d)(3)(ii) authorizes further apportionment of the trawl halibut PSC limit as bycatch allowances to trawl fishery categories listed in § 679.21(d)(3)(iii). The annual apportionments are based on each category's share of the anticipated halibut bycatch mortality during a fishing year and optimization of the total amount of groundfish harvest under the halibut PSC limit. The fishery categories for the trawl halibut PSC limits are: (1) a deep-water species fishery, composed of sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder; and (2) a shallow-water species fishery, composed of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates, and "other species" (sharks and octopuses) (§ 679.21(d)(3)(iii)). Halibut mortality incurred while directed fishing for skates with trawl gear accrues towards the shallow-water species fishery halibut PSC limit (69 FR 26320, May 12, 2004).

NMFS will combine available trawl halibut PSC limit apportionments in part of the second season deep-water and shallow-water species fisheries for use in either fishery from May 15 through June 30 (§ 679.21(d)(4)(iii)(D)). This is intended to maintain groundfish harvest while minimizing halibut bycatch by these sectors to the extent practicable. This provides the trawl gear deep-water and shallow-water species fisheries additional flexibility and the incentive to participate in fisheries at times of the year that may have lower halibut PSC rates relative to other times of the year.

Table 11 lists the proposed 2026 and 2027 seasonal apportionments of trawl halibut PSC limits between the trawl gear deep-water and the shallow-water species fisheries.

Table 28d to 50 CFR part 679 specifies the amount of the trawl halibut PSC limit that is assigned to the CV and CP sectors that are participating in the Central GOA Rockfish Program. This

includes 117 mt of halibut PSC limit to the CV sector and 74 mt of halibut PSC limit to the CP sector. These amounts are allocated from the trawl deep-water species fishery's halibut PSC third seasonal apportionment. After the combined CV and CP halibut PSC limit of 191 mt to the Rockfish Program, 149 mt remains for the trawl deep-water species fishery's halibut PSC third seasonal apportionment.

Section 679.21(d)(4)(iii)(B) limits the amount of the halibut PSC limit allocated to Rockfish Program participants that could be re-apportioned to the general GOA trawl fisheries for the last seasonal apportionment during the current fishing year to no more than 55 percent of the unused annual halibut PSC limit apportioned to Rockfish Program participants. The remainder of the unused Rockfish Program halibut PSC limit is unavailable for use by any person for the remainder of the fishing year (§ 679.21(d)(4)(iii)(C)).

TABLE 11—PROPOSED 2026 AND 2027 APPORTIONMENT OF THE PACIFIC HALIBUT PSC LIMITS BETWEEN THE TRAWL GEAR SHALLOW-WATER AND DEEP-WATER SPECIES FISHERY CATEGORIES
[Values are in metric tons]

Season	Shallow-water	Deep-water ¹	Total
January 20–April 1	385	135	520
April 1–July 1	85	256	341
July 1–August 1	120	340	460
August 1–October 1	53	75	128
October 1–December 31 ²	n/a	n/a	256
Total	n/a	n/a	1,705

¹ Vessels participating in cooperatives in the Central GOA Rockfish Program will receive 191 mt of the third season (July 1 through August 1) deep-water species fishery halibut PSC apportionment.

² There is no apportionment between trawl shallow-water and deep-water species fishery categories during the fifth season (October 1 through December 31).

Section 679.21(d)(2)(i)(B) requires that the halibut PSC limit apportionment to

vessels using hook-and-line gear that are not part of the demersal shelf rockfish

fishery (*i.e.*, the other hook-and-line fishery) must be apportioned between

CVs and CPs in accordance with § 679.21(d)(2)(iii) in conjunction with these harvest specifications. A comprehensive description and example of the calculations necessary to apportion the other hook-and-line fishery halibut PSC limit between the hook-and-line CV and CP sectors were included in the proposed rule to implement amendment 83 to the FMP (76 FR 44700, July 26, 2011) and are not repeated here.

Pursuant to § 679.21(d)(2)(iii), the halibut PSC limit for the other hook-and-line fishery is apportioned between the CV and CP sectors in proportion to the total Western and Central GOA Pacific cod allocations, which vary annually based on the proportion of the Pacific cod biomass between the Western, Central, and Eastern GOA. Pacific cod is apportioned among these three management areas based on the percentage of overall biomass per area as calculated in the 2024 Pacific cod

stock assessment. Information in the final 2024 SAFE report describes this distributional calculation, which apportions ABC among GOA regulatory areas on the basis of the three most recent stock surveys. For 2026 and 2027, the proposed distribution of the total GOA Pacific cod ABC is 27.1 percent to the Western GOA, 63.8 percent to the Central GOA, and 9.1 percent to the Eastern GOA. Therefore, the calculations made in accordance with § 679.21(d)(2)(iii) incorporate the most recent information on GOA Pacific cod distribution and allocations with respect to the proposed annual halibut PSC limits for the CV and CP hook-and-line sectors. Additionally, the annual halibut PSC limits for both the CV and CP sectors of the other hook-and-line fishery are proposed to be divided into three seasonal apportionments, using seasonal percentages of 86 percent, 2 percent, and 12 percent as established in § 679.21(d)(4).

For 2026 and 2027, NMFS proposes annual halibut PSC limits of 149 mt and 107 mt to the hook-and-line CV and hook-and-line CP sectors, respectively. Table 12 lists the proposed 2026 and 2027 apportionments of halibut PSC limits between the hook-and-line CV and the hook-and-line CP sectors of the other hook-and-line fishery.

No later than November 1 of each year, NMFS will calculate the projected unused amount of halibut PSC limit by either of the CV or CP hook-and-line sectors of the other hook-and-line fishery for the remainder of the year. The projected unused amount of halibut PSC limit is made available to the other hook-and-line sector for the remainder of that fishing year (§ 679.21(d)(2)(iii)(C)) if NMFS determines that an additional amount of halibut PSC is necessary for that sector to continue its directed fishing operations.

TABLE 12—PROPOSED 2026 AND 2027 APPORTIONMENTS OF THE “OTHER HOOK-AND-LINE FISHERY” ANNUAL HALIBUT PSC ALLOWANCE BETWEEN THE HOOK-AND-LINE GEAR CATCHER VESSEL AND CATCHER/PROCESSOR SECTORS

[Values are in metric tons]

Sector	Other than DSR allowance	Sector annual amount	Season	Seasonal percentage	Seasonal amount
Catcher Vessel	256	149	A season: January 1–June 10	86	128
			B season: June 10–September 1	2	3
			C season: September 1–December 31	12	18
Catcher/Processor		107	A season: January 1–June 10	86	92
			B season: June 10–September 1	2	2
			C season: September 1–December 31	12	13

Halibut Discard Mortality Rates

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut bycatch rates, halibut discard mortality rates (DMR), and estimates of groundfish catch to project when a fishery’s halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut bycatch rates are based on observed estimates of halibut bycatch in the groundfish fishery. DMRs are estimates of the proportion of halibut bycatch that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best scientific information available in conjunction

with the annual GOA stock assessment process.

The DMRs are calculated annually based on a methodology developed by a halibut working group made up of IPHC, Council, and NMFS staff. The DMR methodology and findings are included as an appendix to the 2024 SAFE report. The halibut working group continues to consider improvements to the methodology used to calculate halibut mortality, including potential changes to the reference period (the period of data used for calculating the DMRs). Future DMRs may change based on additional years of observer sampling, which could provide more recent and accurate data and which could improve the accuracy of estimation and progress on methodology. The methodology will continue to ensure that NMFS is using

DMRs that more accurately reflect halibut mortality, which will inform the different sectors of their estimated halibut mortality and allow specific sectors to respond with methods that could reduce mortality and, eventually, the DMR for that sector.

In October 2025, the SSC reviewed the DMRs recommended by the Plan Team that were derived from the DMR methodology, which uses a 2-year and 4-year reference period depending data availability. The Council then reviewed and recommended proposed 2026 and 2027 DMRs. NMFS is proposing the DMRs reviewed by the SSC and recommended by the Council in October 2025 for the proposed 2026 and 2027 DMRs. Table 13 lists the proposed 2026 and 2027 DMRs.

TABLE 13—PROPOSED 2026 AND 2027 HALIBUT DISCARD MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA

[Values are percent of halibut assumed to be dead]

Gear	Sector	Groundfish fishery	Halibut discard mortality rate
Pelagic trawl	Catcher Vessel	All	1.00
Pelagic trawl	Catcher/Processor	All	1.00
Non-pelagic trawl	Catcher Vessel	Rockfish Program	0.53
Non-pelagic trawl	Catcher Vessel	All others	0.62
Non-pelagic trawl	Motherhip and Catcher/Processor	All	0.79
Hook-and-line	Catcher/Processor	All	0.12
Hook-and-line	Catcher Vessel	All	0.15
Pot	Motherhip and Catcher/Processor	All	0.29

Chinook Salmon PSC Limits

Section 679.21(h)(2) establishes separate Chinook salmon PSC limits in the Western and Central Regulatory Areas of the GOA in the trawl pollock directed fishery. These limits require that NMFS close directed fishing for pollock in the Western and Central GOA if the applicable Chinook salmon PSC limit is reached (§ 679.21(h)(8)). The annual Chinook salmon PSC limits in the trawl pollock directed fishery of 6,684 salmon in the Western GOA and 18,316 salmon in the Central GOA are set in § 679.21(h)(2)(i) and (ii).

Section 679.21(h)(3) and (4) establishes an initial annual PSC limit of 7,500 Chinook salmon for the non-pollock groundfish trawl fisheries in the Western and Central GOA. This limit is apportioned among the three sectors that conduct directed fishing for groundfish species other than pollock: (1) 3,600 Chinook salmon to trawl CPs; (2) 1,200 Chinook salmon to trawl CVs participating in the Rockfish Program; and (3) 2,700 Chinook salmon to trawl CVs not participating in the Rockfish Program (§ 679.21(h)(4)). NMFS will monitor the Chinook salmon PSC in the trawl non-pollock GOA groundfish fisheries and close an applicable sector if it reaches its Chinook salmon PSC limit.

The Chinook salmon PSC limit for two sectors, trawl CPs and trawl CVs not participating in the Rockfish Program, may be increased in subsequent years based on the performance of these two sectors and their ability to minimize their use of their respective Chinook salmon PSC limits. If either or both of these two sectors limit its use of

Chinook salmon PSC to a certain threshold amount through the end of 2025 (3,120 for trawl CPs and 2,340 for non-Rockfish Program trawl CVs), that sector will receive an increase to its 2026 Chinook salmon PSC limit (4,080 for trawl CPs and 3,060 for non-Rockfish Program trawl CVs) (§ 679.21(h)(4)). NMFS will evaluate the annual Chinook salmon PSC by trawl CPs and non-Rockfish Program trawl CVs when the 2025 fishing year is complete to determine whether to increase the Chinook salmon PSC limits for these two sectors. Based on preliminary 2025 Chinook salmon PSC data, the trawl CP sector may receive an increase of Chinook salmon PSC limit in 2026, and the non-Rockfish Program trawl CV sector may receive an increase of Chinook salmon PSC limit in 2026. NMFS intends to complete this evaluation in conjunction with the final 2026 and 2027 harvest specifications.

American Fisheries Act (AFA) CP and CV Groundfish Harvest and PSC Limits

Section 679.64 establishes groundfish harvesting and processing sideboard limits on AFA CPs and CVs in the GOA. These sideboard limits are necessary to protect the interests of fishermen and processors who do not directly benefit from the AFA from those fishermen and processors who receive exclusive harvesting and processing privileges under the AFA. Section 679.7(k)(1)(ii) prohibits listed AFA CPs and CPs designated on a listed AFA CP permit from harvesting any species of fish in the GOA. Additionally, § 679.7(k)(1)(iv) prohibits listed AFA CPs and CPs designated on a listed AFA CP permit

from processing any pollock harvested in a directed pollock fishery in the GOA and any groundfish harvested in statistical area 630 of the GOA.

AFA CVs that are less than 125 feet (38.1 meters) length overall, have annual landings of pollock in the Bering Sea and Aleutian Islands of less than 5,100 mt, and have made at least 40 landings of GOA groundfish from 1995 through 1997 are exempt from GOA CV groundfish sideboard limits under § 679.64(b)(2)(ii). Sideboard limits for non-exempt AFA CVs in the GOA are based on their traditional harvest levels of TAC in groundfish fisheries covered by the FMP. Section 679.64(b)(3)(iv) establishes the CV groundfish sideboard limits in the GOA based on the aggregate retained catch by non-exempt AFA CVs of each sideboard species from 2009 through 2019; divided by the TAC for that species available to CVs from 2009 through 2019; multiplied by the TAC available to CVs in the year or season in which the harvest limit will be in effect. Table 56 to 50 CFR part 679 lists the GOA groundfish species and species groups for which directed fishing for sideboard limits by non-exempt AFA CVs is prohibited (§ 679.20(d)(1)(iv)(D)). Sideboard limits that are not subject to these directed fishing prohibitions continue to be calculated and included in the GOA annual harvest specifications.

Table 14 lists the proposed 2026 and 2027 groundfish sideboard limits for non-exempt AFA CVs. NMFS will deduct all targeted or incidental catch of sideboard species made by non-exempt AFA CVs from these sideboard limits.

TABLE 14—PROPOSED 2026 AND 2027 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUNDFISH SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Seasonal apportionments	Area	Ratio of 2009–2019 non-exempt AFA CV retained catch to 2009–2019 TAC	Proposed 2026 and 2027 TACs	Proposed 2026 and 2027 non-exempt AFA CV sideboard limit
Pollock	A Season: January 20–May 31	Shumagin (610)	0.057	4,109	234
		Chirikof (620)	0.064	46,510	2,977
		Kodiak (630)	0.091	12,314	1,121
	B Season: September 1–November 1 ...	Shumagin (610)	0.057	23,344	1,331
		Chirikof (620)	0.064	13,967	894
		Kodiak (630)	0.091	25,622	2,332
Pacific cod	Annual	WYK (640)	0.026	3,883	101
		W	0.009	3,651	33
		C	0.011	9,245	102
	A Season: January 20–June 10	W	0.009	2,076	19
		C	0.011	5,202	57
		C	0.011	28,455	313
Shallow-water flatfish	Annual	C	0.014	13,582	190
Rex sole	Annual	C	0.011	68,511	754
Arrowtooth flounder	Annual	C	0.007	22,083	155
Flathead sole	Annual	C			

Non-Exempt AFA Catcher Vessel Halibut PSC Limit

Pursuant to § 679.64(b)(4)(ii), the non-exempt AFA CVs and the associated LLP licenses PSC limit for halibut in the GOA will be an annual amount based on a static ratio of 0.072, which was derived from the aggregate retained groundfish catch by non-exempt AFA CVs in each PSC target category from 2009 through 2019. Table 15 lists the proposed 2026 and 2027 non-exempt AFA CV halibut PSC sideboard limits for vessels using trawl gear in the GOA.

TABLE 15—PROPOSED 2026 AND 2027 NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) HALIBUT PSC SIDEBOARD LIMITS

Ratio (percent)	Annual trawl gear halibut PSC limit (mt)	Annual non-exempt AFA CV halibut PSC limit (mt)
0.072	1,705	123

Non-AFA Crab Vessel Groundfish Harvest Limitations

Section 680.22 establishes groundfish sideboard limits for vessels with a history of participation in the Bering Sea snow crab fishery to prevent these vessels from using the increased flexibility provided by the Crab Rationalization (CR) Program to expand their level of participation in the GOA groundfish fisheries. Sideboard harvest limits restrict these vessels' catch to their collective historical landings in each GOA groundfish fishery (except the fixed-gear sablefish fishery). Sideboard limits also apply to landings made using an LLP license derived from the history of a restricted vessel, even if that LLP license is used on another vessel.

The basis for these sideboard harvest limits is described in detail in the final rules implementing the major provisions of the CR Program, including amendments 18 and 19 to the Fishery Management Plan for Bering Sea/ Aleutian Islands King and Tanner Crabs (Crab FMP) (70 FR 10174, March 2,

2005), amendment 34 to the Crab FMP (76 FR 35772, June 20, 2011), amendment 83 to the GOA FMP (76 FR 74670, December 1, 2011), and amendment 45 to the Crab FMP (80 FR 28539, May 19, 2015). Also, NMFS published a final rule (84 FR 2723, February 8, 2019) that implemented regulations to prohibit non-AFA crab vessels from directed fishing for all groundfish species or species groups subject to sideboard limits, except for Pacific cod apportioned to CVs using pot gear in the Western and Central Regulatory Areas (§ 680.22(e)(1)(iii)). Accordingly, the GOA annual harvest specifications include only the non-AFA crab vessel groundfish sideboard limits for Pacific cod apportioned to CVs using pot gear in the Western and Central Regulatory Areas.

Table 16 lists the proposed 2026 and 2027 groundfish sideboard limits for non-AFA crab vessels. All targeted or incidental catch of sideboard species made by non-AFA crab vessels or associated LLP licenses will be deducted from these sideboard limits.

TABLE 16—PROPOSED 2026 AND 2027 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUNDFISH SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Season	Sector	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Proposed 2026 and 2027 TACs	Proposed 2026 and 2027 non-AFA crab vessel sideboard limit
Pacific cod	A Season: January 1–June 10	Western Pot CV	0.0997	3,651	364
		Central Pot CV	0.0474	9,245	438

TABLE 16—PROPOSED 2026 AND 2027 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Season	Sector	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Proposed 2026 and 2027 TACs	Proposed 2026 and 2027 non-AFA crab vessel sideboard limit
	B Season: September 1–December 31	Western Pot CV Central Pot CV	0.0997 0.0474	2,076 5,202	207 247

Rockfish Program Groundfish Sideboard and Halibut PSC Limitations

The Rockfish Program establishes three classes of sideboard provisions: CV groundfish sideboard restrictions, CP rockfish sideboard restrictions, and CP opt-out vessel sideboard restrictions (§ 679.82(c)(1)). These sideboards are intended to limit the ability of rockfish harvesters to expand into other fisheries.

CVs participating in the Rockfish Program may not participate in directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the Western GOA and West Yakutat District from July 1 through July 31. Also, CVs may not participate in directed fishing for arrowtooth flounder, deep-water flatfish, and rex sole in the GOA from July 1 through July 31 (§ 679.82(d)).

CPs participating in Rockfish Program cooperatives are restricted by rockfish and halibut PSC sideboard limits. These CPs are prohibited from directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the Western

GOA and West Yakutat District from July 1 through July 31 (§ 679.82(e)(2)). The sideboard ratio for each rockfish fishery in the West Yakutat District is an established percentage of the TAC for CPs in the directed fishery for dusky rockfish and Pacific ocean perch (§ 679.82(e)(4)). These percentages are confidential, however, the method for determining the percentages is described in § 679.82(e)(3). Holders of CP-designated LLP licenses that opt out of participating in a Rockfish Program cooperative will be able to access that portion of each rockfish sideboard limits that is not assigned to Rockfish Program cooperatives (§ 679.82(e)(7)).

Under the Rockfish Program, the CP sector is subject to halibut PSC sideboard limits for the trawl deep-water and shallow-water species fisheries from July 1 through July 31 (§ 679.82(e)(3) and (e)(5)). Halibut PSC sideboard ratios by fishery are set forth in § 679.82(e)(5). No halibut PSC sideboard limits apply to the CV sector, as vessels participating in a Rockfish

Program cooperative receive a portion of the annual halibut PSC limit. CPs that opt out of the Rockfish Program would be able to access that portion of the deep-water and shallow-water halibut PSC sideboard limit not assigned to CP Rockfish Program cooperatives. The sideboard provisions for CPs that elect to opt out of participating in a Rockfish Program cooperative are described in § 679.82(c), (e), and (f). Sideboard limits are linked to the catch history of specific vessels that may choose to opt out. After March 1, NMFS will determine which CPs have opted-out of the Rockfish Program in 2026, and will know the ratios and amounts used to calculate opt-out sideboard ratios. NMFS will then calculate any applicable opt-out sideboard limits for 2026. NMFS will announce the opt-out sideboard limits after March 1 in the **Federal Register**. Table 17 lists the proposed 2026 and 2027 Rockfish Program halibut PSC sideboard limits for the CP sector.

TABLE 17—PROPOSED 2026 AND 2027 ROCKFISH PROGRAM HALIBUT PSC SIDEBOARD LIMITS FOR THE CATCHER/PROCESSOR SECTOR

[Values are rounded to the nearest metric ton]

Sector	Shallow-water species fishery halibut PSC sideboard ratio (percent)	Deep-water species fishery halibut PSC sideboard ratio (percent)	Annual trawl gear halibut PSC limit (mt)	Annual shallow-water species fishery halibut PSC sideboard limit (mt)	Annual deep-water species fishery halibut PSC sideboard limit (mt)
Catcher/processor	0.1	2.5	1,705	2	43

Amendment 80 Program Groundfish and PSC Sideboard Limits

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (Amendment 80 Program) established a limited access privilege program for the non-AFA trawl CP sector. The Amendment 80 Program established groundfish and halibut PSC limits for Amendment 80 Program participants to limit the ability of

participants eligible for the Amendment 80 Program to expand their harvest efforts in the GOA.

Section 679.92 establishes groundfish harvesting sideboard limits on all Amendment 80 Program vessels to amounts no greater than the limits shown in Table 37 to 50 CFR part 679. The Amendment 80 vessel, the F/V *Golden Fleece*, is not subject to halibut PSC sideboard limits (§ 679.92(b)(2)) and is prohibited from directed fishing for pollock, Pacific cod, Pacific ocean

perch, dusky rockfish, and northern rockfish in the GOA (§ 679.92(d)).

Groundfish sideboard limits for Amendment 80 Program vessels operating in the GOA are based on their average aggregate harvests from 1998 through 2004 (72 FR 52668, September 14, 2007). Table 18 lists the proposed 2026 and 2027 groundfish sideboard limits for Amendment 80 Program vessels. NMFS will deduct all targeted or incidental catch of sideboard species

made by Amendment 80 Program
vessels from these sideboard limits.

TABLE 18—PROPOSED 2026 AND 2027 GOA GROUND FISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS
[Values are rounded to the nearest metric ton]

Species	Season	Area	Ratio of Amendment 80 sector vessels 1998–2004 catch to TAC	Proposed 2026 and 2027 TACs	Proposed 2026 and 2027 Amendment 80 vessel sideboard limits
Pollock	A Season: January 20–May 31	Shumagin (610) ...	0.003	4,109	12
	A Season: January 20–May 31	Chirikof (620)	0.002	46,510	93
	A Season: January 20–May 31	Kodiak (630)	0.002	12,314	25
	B Season: September 1–November 1	Shumagin (610) ...	0.003	23,344	70
	B Season: September 1–November 1	Chirikof (620)	0.002	13,967	28
	B Season: September 1–November 1	Kodiak (630)	0.002	25,622	51
	Annual	WYK (640)	0.002	3,883	8
Pacific cod	A Season: January 20–June 10	W	0.020	3,651	73
	A Season: January 20–June 10	C	0.044	9,245	407
	B Season: September 1–November 1	W	0.020	2,076	42
	B Season: September 1–November 1	C	0.044	5,202	229
	Annual	WYK	0.034	2,061	70
Pacific ocean perch	Annual	W	0.994	1,688	1,678
	Annual	WYK	0.961	1,993	1,915
Northern rockfish	Annual	W	1.000	1,346	1,346
Dusky rockfish	Annual	W	0.764	199	152
	Annual	WYK	0.896	204	183

The halibut PSC sideboard limits for Amendment 80 Program vessels in the GOA are based on the historical use of halibut PSC by Amendment 80 Program vessels in each PSC target category from 1998 through 2004. These values are slightly lower than the average historical use to accommodate two

factors: (1) allocation of halibut PSC cooperative quota under the Rockfish Program; and (2) the exemption of the F/V *Golden Fleece* from this restriction (§ 679.92(b)(2)). Table 19 lists the proposed 2026 and 2027 halibut PSC sideboard limits for Amendment 80 Program vessels. This table incorporates

the maximum percentages of the halibut PSC sideboard limits that may be used by Amendment 80 Program vessels as contained in Table 38 to 50 CFR part 679. Any residual amount of a seasonal Amendment 80 halibut PSC sideboard limit may carry forward to the next season limit (§ 679.92(b)(2)).

TABLE 19—PROPOSED 2026 AND 2027 HALIBUT PSC SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS IN THE GOA

[Values are rounded to the nearest metric ton]

Season	Season dates	Target fishery	Historic Amendment 80 use of the annual halibut PSC limit catch (ratio)	Annual trawl gear halibut PSC limit (mt)	Proposed Amendment 80 vessel PSC limit (mt)
1	January 20–April 1	shallow-water	0.0048	1,705	8
		deep-water	0.0115	1,705	20
2	April 1–July 1	shallow-water	0.0189	1,705	32
		deep-water	0.1072	1,705	183
3	July 1–August 1	shallow-water	0.0146	1,705	25
		deep-water	0.0521	1,705	89
4	August 1–October 1	shallow-water	0.0074	1,705	13
		deep-water	0.0014	1,705	2
5	October 1–December 31 ...	shallow-water	0.0227	1,705	39
		deep-water	0.0371	1,705	63
Annual		Total shallow water .....	.....	.....	117
		Total deep water .....	.....	.....	357
		Grand total, all seasons and categories	.....	.....	474

Classification

NMFS is issuing this proposed rule pursuant to section 305(d) of the Magnuson-Stevens Act. Through

previous actions, the FMP and regulations are designed to authorize NMFS to take this action under section 305(d) (see 50 CFR part 679). The NMFS Assistant Administrator has

preliminarily determined that the proposed harvest specifications are consistent with the FMP, the Magnuson-Stevens Act, and other applicable laws,

subject to further review and consideration after public comment.

NMFS finds that a comment period of at least 15 days for this action provides a reasonable opportunity for public participation pursuant to Administrative Procedure Act section 553(c) (5 U.S.C. 553(c)). Section 3.2.3.1.2 of the FMP notes the public review and comment period on the proposed harvest specifications will be at least 15 days. This year a shorter comment period is necessary to ensure the final harvest specifications publish no later than March 17, 2026, while providing the public with a meaningful opportunity for review and comment. The subject of this proposed rule—the annual harvest specifications—is based on the established harvest strategy and harvest control rules and tier system in the FMP. NMFS was unable to publish the proposed rule any earlier and afford a longer comment period due to the lapse in appropriations and resulting government shutdown. A prolonged comment period and subsequent potential delay in implementation of this action before the final 2025 and 2026 harvest specifications expire on March 17, 2026, would be contrary to public interest and could result in the closure of the GOA groundfish fisheries until the final 2026 and 2027 harvest specifications are published.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order (E.O.) 12866 because it only implements annual catch limits in the GOA. This action is not a regulatory action under E.O. 14192 because it is exempt from review under E.O. 12866.

NMFS prepared an EIS for the Alaska groundfish harvest specifications and alternative harvest strategies (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the ROD for the Final EIS. A SIR is being prepared for the final 2026 and 2027 harvest specifications to address the need to prepare a Supplemental EIS. Copies of the Final EIS, ROD, and annual SIRs for this action are available from NMFS (see **ADDRESSES**). The Final EIS analyzes the environmental, social, and economic consequences of the proposed groundfish harvest specifications and alternative harvest strategies on resources in the action area. Based on the analysis in the Final EIS, NMFS concluded that the preferred alternative (alternative 2) provides the best balance among relevant environmental, social, and economic considerations and allows for continued management of the groundfish fisheries

based on the most recent, best scientific information.

Initial Regulatory Flexibility Analysis

This Initial Regulatory Flexibility Analysis (IRFA) was prepared for this proposed rule, as required by Section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 603), to describe the economic impact that this proposed rule, if adopted, would have on small entities. The IRFA describes: (1) the action; (2) the reasons why this proposed rule is proposed; (3) the objectives and legal basis for this proposed rule; (4) the estimated number and description of directly regulated small entities to which this proposed rule would apply; (5) the recordkeeping, reporting, and other compliance requirements of this proposed rule; and (6) the relevant Federal rules that may duplicate, overlap, or conflict with this proposed rule. The IRFA also describes significant alternatives to this proposed rule that would accomplish the stated objectives of the Magnuson-Stevens Act, and any other applicable statutes, and that would minimize any significant economic impact of this proposed rule on small entities. The description of the proposed action, its purpose, and the legal basis are explained earlier in the preamble and are not repeated here.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System (NAICS) code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual gross receipts not in excess of \$11 million for all its affiliated operations worldwide. A shoreside processor primarily involved in seafood processing (NAICS code 311710) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual employment, counting all individuals employed on a full-time, part-time, or other basis, not in excess of 750 employees for all its affiliated operations worldwide.

Number and Description of Small Entities Regulated by This Proposed Rule

The entities directly regulated by the groundfish harvest specifications include: (1) entities operating vessels with groundfish Federal fisheries

permits (FFPs) catching FMP groundfish in Federal waters (including those receiving direction allocations of groundfish); (2) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching FMP groundfish in the State-waters parallel fisheries; and (3) all entities operating vessels fishing for halibut that have incidental catch of FMP groundfish (whether or not they have FFPs).

In 2024 (the most recent year of complete data), there were 602 individual CVs and CPs with gross revenues less than or equal to \$11 million. This represents the potential suite of directly regulated small entities. This includes an estimated 601 small CV entities and one small CP entity in the GOA groundfish sector. The determination of entity size is based on vessel revenues and affiliated group revenues. This determination also includes an assessment of fisheries cooperative affiliations, although actual vessel ownership affiliations have not been completely established. However, the estimate of these 602 CVs and CPs may be an overstatement of the number of small entities because of the complexity of analyzing the links and affiliations across these vessels, particularly since many of them conduct operations in both Federal and State fisheries. The CVs had average gross revenues that varied by gear type. Average gross revenues for hook-and-line CVs, pot gear CVs, and trawl gear CVs are estimated to be \$460,000, \$920,000, and \$2,400,000, respectively. Average gross revenues for CPs are confidential.

Recordkeeping, Reporting, and Other Compliance Requirements and Relevant Federal Rules That May Duplicate, Overlap, or Conflict With This Proposed Rule

This action would not impose recordkeeping and reporting requirements. This action would set TAC and PSC limits that NMFS utilizes for the management of the groundfish fishery in the GOA. If a TAC limit or PSC limit has been or will be reached, NMFS can take action to prevent exceeding the specified limit. Entities operating in the GOA must follow any inseason actions that NMFS issues and comply with Federal regulations at 50 CFR part 679. The specific compliance requirements for entities operating in the GOA are set by regulations that are separate from this action. This action does not duplicate, overlap, or conflict with any Federal rules.

Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities

The action under consideration is the proposed 2026 and 2027 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the GOA. This action is necessary to establish harvest limits for groundfish during the 2026 and 2027 fishing years and is taken in accordance with the FMP recommended by the Council and approved by NMFS pursuant to the Magnuson-Stevens Act. The establishment of the proposed harvest specifications is governed by the Council and NMFS's harvest strategy for the catch of groundfish in the GOA. This strategy was selected from among five alternatives, with the preferred alternative harvest strategy being one in which the TACs fall within the range of ABCs recommended by the SSC through the harvest specifications process. Under the preferred harvest strategy, TACs are set to a level that falls within the range of ABCs recommended by the SSC through the harvest specifications process and the sum of the TACs achieve the OY specified in the FMP and regulations. While the specific numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant.

The TACs associated with preferred harvest strategy are those recommended by the Council in October 2025. OFLs and ABCs for the species were based on recommendations prepared by the Council's Plan Team in September 2025, and reviewed by the Council's SSC in October 2025. The Council based its TAC recommendations on those of its AP, which were consistent with the SSC's OFL and ABC recommendations. The TACs in these proposed 2026 and 2027 harvest specifications are unchanged from the 2026 TACs in the final 2025 and 2026 harvest specifications (90 FR 12468, March 18, 2025), and the sum of all TACs remains within the OY for the GOA.

The proposed 2026 and 2027 OFLs and ABCs are based on the best biological information available, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods to calculate stock biomass. The proposed 2026 and 2027 TACs are based on the best biological and socioeconomic information available. The proposed 2026 and 2027 OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2024 SAFE

report, which is the most recent, completed SAFE report.

Under this action, the proposed ABCs reflect harvest amounts that are less than the specified OFLs. The proposed TACs are within the range of proposed ABCs recommended by the SSC and do not exceed the biological limits recommended by the SSC (the ABCs and OFLs). For most species and species groups in the GOA, the Council recommended, and NMFS proposes, TACs equal to proposed ABCs, which is intended to maximize harvest opportunities in the GOA.

However, the Council recommended, and NMFS proposes, TACs that are less than the proposed ABCs for some species, including pollock, Pacific cod, shallow-water flatfish, arrowtooth flounder, flathead sole, other rockfish, Atka mackerel, and octopus. In the GOA, increasing TACs for some species may not result in increased harvest opportunities for those species. This is due to a variety of reasons. There may be a lack of commercial or market interest in some species. Additionally, there are fixed, and therefore constraining, PSC limits associated with the harvest of the GOA groundfish species that can limit harvest of flatfish TACs. For this reason, the shallow-water flatfish, arrowtooth flounder, and flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other fisheries. The other rockfish and Atka mackerel TACs are set to accommodate ICAs in other fisheries. Finally, the TACs for pollock, Pacific cod, and octopus cannot be set equal to their ABCs, as the TAC account for the State's GHs in these fisheries. The W/C/WYK Regulatory Area pollock TAC, the GOA Pacific cod TACs, and the GOA octopus TAC are therefore set to account for the State's GHs for the State waters pollock, Pacific cod, and octopus fisheries so that the ABCs for these species are not exceeded. For all other species in the GOA, the Council recommended and NMFS proposes that proposed TACs equal proposed ABCs, unless other conservation or management reasons (as described above) support proposed TAC amounts less than the proposed ABCs.

Based upon the best scientific data available, and in consideration of the Council and NMFS's objectives for this action, there are no significant alternatives to the proposed rule that have the potential to accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that have the potential to minimize any significant adverse

economic impact of the proposed rule on small entities. The alternative selected and implemented in this action—the proposed TACs recommended by the Council—maximizes harvesting opportunities for entities operating in the GOA, including small entities, while minimizing potential adverse economic impacts. In this action, NMFS proposes for most species and species groups in the GOA TACs that are equal to the maximum amounts allowed (ABCs), consistent with the requirements of the Magnuson-Stevens Act for the specification of ABC and annual catch limits, unless other reasons justify a lower TAC.

As explained above, there are other reasons that justify specifying TAC below ABC, as a higher TAC up to the ABC would not result in increased harvest opportunities or harvest of that species. There may be a lack of commercial or market interest in some species, while some species are caught only incidentally or are subject to fixed, and therefore constraining, PSC limits associated that can limit harvest. For species subject to constraining PSC limits (shallow-water flatfish, arrowtooth flounder, and flathead sole), the TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other fisheries. For other species (other rockfish and Atka mackerel), the TACs are set to accommodate ICAs in other fisheries. For these species, increasing TACs for these species would not result in increased harvest opportunities or harvest of those species. For this reason, the Council did not recommend and NMFS does not propose increased TAC for these species.

As a whole, this action is economically beneficial to entities operating in the GOA, including small entities. The action proposes TACs for commercially valuable species in the GOA and allows for the continued prosecution of the fishery, thereby creating the opportunity for fishery revenue. The proposed TACs were reviewed by participants in the fishing industry, including the AP and the public, and were recommended by the Council to NMFS after public review and comment during the October Council meeting. After public process, during which the Council solicited input from stakeholders, the Council concluded and NMFS agrees that the proposed harvest specifications would best accomplish the stated objectives articulated in the preamble for this proposed rule, and in applicable statutes, and would minimize to the extent practicable adverse economic

impacts on the universe of directly regulated small entities.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Adverse impacts on marine mammals or endangered or threatened species resulting from fishing activities conducted under these harvest specifications are discussed in the Final EIS and its accompanying annual SIRs (see **ADDRESSES**).

Authority: 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L. 109–479.

Dated: December 12, 2025.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2025–23044 Filed 12–15–25; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 251212–0184; RTID 0648–XF348]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; 2026 and 2027 Harvest Specifications for Groundfish

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

ACTION: Proposed rule; harvest specifications and request for comments.

SUMMARY: NMFS proposes 2026 and 2027 harvest specifications, apportionments, and prohibited species catch limits for the groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) management area. This action is necessary to establish harvest limits for groundfish during the 2026 and 2027 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The 2026 harvest specifications supersede those previously set in the final 2025 and 2026 harvest specifications, and the 2027 harvest specifications will be superseded in early 2027 when the final 2027 and 2028 harvest specifications are

published. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments must be received by January 5, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-1098>. You may submit comments on this document, identified by NOAA–NMFS–2025–1098 by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and type NOAA–NMFS–2025–1098 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS), Record of Decision (ROD) for the Final EIS, and the annual Supplementary Information Reports (SIR) to the Final EIS prepared for this action are available from <https://www.regulations.gov>. An updated 2026 SIR for the final 2026 and 2027 harvest specifications will be available from the same source.

The final 2024 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated December 2024, is available from the North Pacific Fishery Management Council (Council) at 1007 West Third, Suite 400, Anchorage, AK 99501–2252, phone 907–271–2809, or from the Council’s website at <https://www.npfmc.org> and at [https://](https://www.npfmc.org)

www.fisheries.noaa.gov/alaska/population-assessments/north-pacific-groundfish-stock-assessments-and-fishery-evaluation.

FOR FURTHER INFORMATION CONTACT: Andrew Olson and Steven Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: Federal regulations at 50 CFR part 679 implement the FMP and govern the groundfish fisheries in the BSAI. The Council prepared the FMP, and NMFS approved it, under the Magnuson-Stevens Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify annually an overfishing limit (OFL), acceptable biological catch (ABC), and total allowable catch (TAC) for each target species category. The sum of TACs for all groundfish species in the BSAI must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 679.20(a)(1)(i)(A) and 679.20(a)(2)). Section 679.20(c)(1) further requires that NMFS publish proposed harvest specifications in the **Federal Register** and solicit public comments on proposed annual TACs for each target species and apportionments thereof; prohibited species catch (PSC) allowances; prohibited species quota (PSQ) reserves established by § 679.21; seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC; American Fisheries Act (AFA) allocations; Amendment 80 allocations; Community Development Quota (CDQ) reserve amounts established by § 679.20(b)(1)(ii); and ABC surpluses and reserves for CDQ groups and Amendment 80 cooperatives for flathead sole, rock sole, and yellowfin sole. The proposed harvest specifications set forth in tables 1 through 15 of this action satisfy these requirements.

Under § 679.20(c)(3), NMFS will publish the final 2026 and 2027 harvest specifications after (1) considering comments received within the comment period (see **DATES**), (2) consulting with the Council at its December 2025 meeting, (3) considering information presented in the 2026 SIR to the Final EIS that assesses the need to prepare a Supplemental EIS (see **ADDRESSES**), and (4) considering information presented in the final 2024 SAFE report, including the Ecosystem Status Reports (ESR) for both the Bering Sea and Aleutian Islands.

Other Actions Affecting the 2026 and 2027 the BSAI Harvest Specifications

State of Alaska Guideline Harvest Levels

The State of Alaska Board of Fisheries (BOF) established the guideline harvest level (GHL) for vessels using pot, longline, jig, and hand troll gear in State waters in the State's Aleutian Islands subarea (AI) State-waters sablefish registration area that includes all State waters west of Scotch Cap Light (164° 44.72' W longitude) and south of Cape Sarichef (54° 36' N latitude). The 2026 and 2027 AI GHL is set at 5 percent of the combined proposed Bering Sea (BS) subarea and AI apportionment of ABC (1,223 mt). The State's AI sablefish registration area includes areas adjacent to parts of the Federal BS subarea. Since most of the State's 2026 and 2027 GHL sablefish fishery is expected to occur in State waters adjacent to the Federal BS subarea, the Council and its BSAI Groundfish Plan Team (Plan Team), Scientific and Statistical Committee (SSC), and Advisory Panel (AP) recommended that the sum of all State and Federal sablefish removals from the BS and AI not exceed the recommended apportionment of ABC for sablefish in the BS and AI. Accordingly, the Council recommended, and NMFS proposes, that the 2026 and 2027 sablefish TACs in the BS and AI be reduced to account for the State's GHLs for sablefish caught in State waters.

The State's GHL for vessels using pot gear in State waters in the BS is currently equal to 13 percent of the Pacific cod ABC in the BS and is increased by one percent if 90 percent of the GHL is harvested by November 15 of the preceding year for 2 consecutive years, but may not exceed 15 percent of the BS ABC. However, if 90 percent of the GHL is not harvested by November 15 of the preceding year for two consecutive years the GHL will decrease by 1 percent, but the GHL may not decrease below 10 percent of the BS ABC. For 2026 the GHL for vessels using pot gear will remain the same as the GHL set in 2025 at 13 percent of the BS ABC, which is 18,398 mt. The GHL for 2027 may change based on harvest during the preceding fishing years, and any adjustment based on the 2027 GHL will be accounted for in the final 2027 and 2028 harvest specifications. Additionally, the State has established a GHL for vessels using jig gear in State waters in the BS equal to 45 mt of Pacific cod in the BS. The Council and its Plan Team, SSC, and AP recommended that the sum of all State and Federal waters Pacific cod removals from the BS not exceed the ABC recommendations for Pacific cod in the

BS. Accordingly, the Council recommended, and NMFS proposes, that the 2026 and 2027 Pacific cod TACs in the BS account for the State's GHL of 18,443 mt for Pacific cod caught in State waters in the BS.

The State's GHL in State waters in the AI is currently equal to 35 percent of the AI ABC. The AI GHL will increase annually by 4 percent of the AI ABC if 90 percent of the GHL is harvested by November 15 of the preceding year, but may not exceed 39 percent of the AI ABC or 15 million pounds (6,804 mt). If 90 percent of the GHL is not harvested by November 15 of the preceding year for 2 consecutive years the GHL will decrease by 4 percent, but the GHL may not decrease below 15 percent of the AI ABC. The Council and its Plan Team, SSC, and AP recommended that the sum of all State and Federal Pacific cod removals from the AI not exceed the ABC recommendations for Pacific cod in the AI. Accordingly, the Council recommended, and NMFS proposes, that the 2026 and 2027 Pacific cod TACs in the AI account for the State's GHL for Pacific cod caught in State waters in the AI. NMFS anticipates that, based on harvest in 2024 and 2025, the GHL likely will decrease to 31 percent in 2026, and 31 percent of the proposed AI ABC is 4,022 mt. The 2026 GHL will be determined after fishing in 2025 is concluded, and the Council may recommend and NMFS may implement a change to the Pacific cod TAC in the final harvest specifications to account for the potential adjustment to the 2026 GHL. The GHL for 2027 may also change based on harvest during the preceding fishing years, and any adjustment based on the 2027 GHL will be accounted for in the final 2027 and 2028 harvest specifications.

Proposed ABC and TAC Harvest Specifications

In October 2025, the SSC, AP, and Council reviewed the most recent biological and harvest information on the condition of the BSAI groundfish stocks, including information in the final 2024 SAFE report for the BSAI groundfish fisheries, dated November 2024 (see **ADDRESSES**).

The proposed 2026 and 2027 harvest specifications are based on the final 2026 harvest specifications published on March 18, 2025 (90 FR 12640), which were set after consideration of the most recent 2024 SAFE report. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters including possible future condition of the stocks, as well as summaries of the available information

on the BS and AI ecosystems and the economic condition of the groundfish fisheries off Alaska. The SAFE report provides information to the Council and NMFS for recommending and setting, respectively, annual harvest levels for each stock and documenting significant trends or changes in the resource, marine ecosystems, and fisheries over time.

The Ecosystem Status Reports (ESRs) are an appendix to the SAFE report. The ESRs compile and summarize information about the status of the Alaska marine ecosystems for the Plan Team, SSC, AP, Council, NMFS, and the public. These ESRs include ecosystem report cards, ecosystem assessments, and ecosystem status indicators (*i.e.*, climate indices, sea surface temperature), which together provide context for ecosystem-based fisheries management in Alaska. The ESRs inform stock assessments and are integrated in the annual harvest recommendations through inclusion in stock assessment-specific risk tables. Also, the ESRs provide context for the SSC's recommendations for OFLs and ABCs, as well as for the Council's TAC recommendations. The SAFE reports and the ESRs are presented at the October and December Council meetings before the SSC, AP, and the Council make groundfish harvest recommendations and aid NMFS in implementing these annual groundfish harvest specifications.

In addition to the 2024 SAFE report, the Plan Team, SSC, and Council also reviewed preliminary survey data from 2025 surveys, updates on ecosystem and socioeconomic profiles for certain species, and summaries of potential changes to models and methodologies. From these data and analyses, the Plan Team recommends, and the SSC sets, the proposed OFL and ABC for each species and species group.

The proposed 2026 and 2027 OFLs and ABCs are based on the best available biological and scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The FMP specifies a series of six tiers to define OFLs and ABCs based on the level of reliable information available to fishery scientists. Tier 1 represents the highest level of information quality available, while tier 6 represents the lowest. The proposed 2026 and 2027 TACs are based on the best available biological and socioeconomic information. The proposed 2026 and 2027 harvest specifications in this action are subject

to change in the final harvest specifications to be published by NMFS.

In October 2025, the SSC adopted the proposed 2026 and 2027 OFLs and ABCs recommended by the Plan Team for all groundfish. In making its recommendations, the Council adopted the SSC's OFL and ABC recommendations. The OFL and ABC amounts are unchanged from the final 2026 harvest specifications published in the **Federal Register** on March 18, 2025 (90 FR 12640). Regulations require the sum of all TACs to be set to an OY between 1.4 and 2 million mt. The Council recommends TACs that are lower than the ABCs recommended by the SSC as necessary to ensure the sum of TACs do not exceed an OY of 2 million mt. Generally, total ABCs greatly exceed 2 million mt in years with a large pollock biomass. The sum of the proposed 2026 and 2027 ABCs for all assessed groundfish is 3,188,585 mt. The sum of the proposed TACs is 1,999,999 mt.

NMFS has reviewed the recommendations of the SSC and Council for OFLs, ABCs, and TACs for target species and species groups in the BSAI as well as any other relevant information. Based on that review, NMFS is proposing the OFLs, ABCs, and TACs set forth in the tables of this proposed rule as consistent with the Magnuson-Stevens Act, the FMP, and other applicable law, subject to further review and consideration after public comment.

Potential Changes Between Proposed and Final Specifications

The proposed groundfish OFLs, ABCs, and TACs are subject to change pending consideration of the SSC and AP recommendations, public comment, and the Council's recommendations for the final 2026 and 2027 harvest specifications during its December 2025 meeting.

In November of each year, the Plan Team typically updates the SAFE report to include new information collected such as NMFS surveys, revised stock assessments drafted by stock assessment

authors, and catch data. Due to the lapse in appropriations and resulting government shutdown, the stock assessment authors were not able to complete their assessments and the Plan Team did not meet in November to review and update the 2024 SAFE report.

At the December 2025 Council meeting, the SSC and Council plan to consider the most recent SAFE, ecosystem information presented in September/October as well as updated information on climate and oceanography, and other updated information including catch reports and survey information. The Council will also consider, as it normally does, SSC and AP recommendations, public testimony, and relevant written comments in recommending the final 2026 and 2027 harvest specifications. Pursuant to § 679.20(a)(2) and (3), the Council could recommend that NMFS adjust the final TACs if warranted based on the biological condition of groundfish stocks or a variety of socioeconomic considerations, or if required to cause the sum of TACs to fall within the OY range.

In previous years, the most significant changes to the OFLs and ABCs from the proposed to the final harvest specifications have been based on the most recent NMFS stock surveys and model updates. These surveys provide updated estimates of stock biomass and spatial distribution, and inform changes to the models used for producing stock assessments. At the September 2025 Plan Team meeting, NMFS scientists presented updated and new survey results. Scientists also discussed potential changes to assessment models, and accompanying preliminary stock estimates. At the October 2025 Council meeting, the SSC reviewed this information. Normally, the Plan Team would then review survey results, model changes, and updated stock assessments for groundfish stocks at the November Plan Team meeting, which the SSC would then review, along with the Plan Team recommendations, at the December SSC meeting. Model changes

based on SSC recommendations often result in changes to final OFLs, ABCs, and TACs. This year, however, there are likely to be limited changes between the proposed and final specifications because no model reruns or additional review could be completed by the NMFS stock assessment authors and Plan Team due to the lapse in appropriations and the government shutdown.

Specification and Apportionment of TAC Amounts

The Council recommended proposed 2026 and 2027 TACs that are equal to the proposed ABCs for 2026 and 2027 BS Greenland turbot, AI Greenland turbot, BSAI Kamchatka flounder, BS and Eastern AI Atka mackerel, Central AI Atka mackerel, BS Pacific ocean perch, Central AI Pacific ocean perch, Eastern AI Pacific ocean perch, BS and Eastern AI blackspotted and rougheye rockfish, Central AI and Western AI blackspotted and rougheye rockfish, BSAI shortraker rockfish, BS "other rockfish," and AI "other rockfish." The Council recommended proposed TACs less than the respective proposed ABCs for all other species. TACs for some species are reduced so that the overall TAC does not exceed the BSAI OY. These proposed amounts are consistent with the biological condition of groundfish stocks as described in the 2024 SAFE report. The proposed ABCs reflect harvest amounts that are less than the specified OFLs.

Table 1 lists the proposed 2026 and 2027 OFL, ABC, TAC, initial TAC (ITAC), and CDQ amounts for groundfish for the BSAI. The proposed apportionment of TAC amounts among fisheries and seasons is discussed below. These proposed amounts and apportionments by area, season, and sector are subject to change pending consideration of the SSC and AP recommendations, public comment, and the Council's recommendations for the final 2026 and 2027 harvest specifications during its December 2025 meeting.

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Table 1—Proposed 2026 and 2027 Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Total Allowable Catch (TAC), Initial TAC (ITAC), and CDQ Reserve Allocation of Groundfish in the BSAI (values are rounded to the nearest metric ton)¹.

Proposed 2026 and 2027							
Species	Area	OFL	ABC	TAC	ITAC ²	CDQ ³	Nonspecified Reserves
Pollock ⁴	BS	2,496,000	2,036,000	1,375,000	1,237,500	137,500	n/a
	AI	56,231	46,437	19,000	17,100	1,900	n/a
	Bogoslof	77,354	58,015	250	250	n/a	n/a
Pacific Cod ⁵	BS	169,243	141,520	123,077	109,908	13,169	n/a
	AI	16,273	12,973	8,432	7,530	902	n/a
Sablefish ⁶	Alaska-wide	57,797	47,008	n/a	0	n/a	0
	BS	n/a	13,037	8,996	3,823	337	337
	AI	n/a	11,421	7,440	1,581	140	140
Yellowfin Sole	BSAI	305,039	267,639	145,000	129,485	15,515	n/a
Greenland turbot	BSAI	2,059	1,328	1,328	1,129	n/a	0
	BS	n/a	1,120	1,120	952	120	48
	AI	n/a	208	208	177	n/a	31
Arrowtooth flounder	BSAI	102,472	87,035	14,000	11,900	1,498	602
Kamchatka flounder	BSAI	7,790	6,606	6,606	5,615	n/a	991
Rock sole ⁷	BSAI	166,220	158,225	75,000	66,975	8,025	n/a
Flathead sole ⁸	BSAI	106,283	87,700	36,000	32,148	3,852	n/a
Alaska plaice	BSAI	33,965	28,230	16,200	13,770	n/a	2,430
Other flatfish ⁹	BSAI	26,083	19,562	4,500	3,825	n/a	675
Pacific ocean perch	BSAI	43,084	36,578	33,490	29,481	n/a	0
	BS	n/a	9,905	9,905	8,419	n/a	1,486
	EAI	n/a	6,144	6,144	5,487	657	0
	CAI	n/a	5,441	5,441	4,859	582	0
	WAI	n/a	16,058	12,000	10,716	1,284	0
Northern rockfish	BSAI	22,284	18,232	12,000	10,200	n/a	1,800
Blackspotted/Rougheye rockfish ¹⁰	BSAI	902	766	766	651	n/a	115
	BS/EAI	n/a	441	441	375	n/a	66
	CAI/WAI	n/a	325	325	276	n/a	49

Shortraker rockfish	BSAI	631	473	473	402	n/a	71
Other rockfish ¹¹	BSAI	1,406	1,054	1,054	896	n/a	158
	BS	n/a	639	639	543	n/a	96
	AI	n/a	415	415	353	n/a	62
Atka mackerel	BSAI	107,889	92,361	82,941	74,066	8,875	n/a
	BS/EAI	n/a	41,731	41,731	37,266	4,465	n/a
	CAI	n/a	23,716	23,716	21,178	2,538	n/a
	WAI	n/a	26,914	17,494	15,622	1,872	n/a
Skates	BSAI	43,285	35,833	27,646	23,499	n/a	4,147
Sharks	BSAI	689	450	400	340	n/a	60
Octopuses	BSAI	6,080	4,560	400	340	n/a	60
Total	n/a	3,849,059	3,188,585	1,999,999	1,782,414	194,356	13,151

Note: Seasonal or sector apportionments may not be total precisely due to rounding.

¹These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea subarea (BS) includes the Bogoslof District.

²Except for pollock, the portion of the sablefish TAC allocated to fixed gear, and Amendment 80 species (Atka mackerel, yellowfin sole, rock sole, flathead sole, Pacific cod, and Aleutian Islands (AI) Pacific ocean perch), 15 percent of each TAC is placed into a nonspecified reserve (§ 679.20(b)(1)(i)). The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 4).

³For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and AI Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (§ 679.20(b)(1)(ii)(C)). Twenty percent of the sablefish TAC allocated to fixed gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for BS Greenland turbot and BSAI arrowtooth flounder are reserved for use by CDQ participants (§ 679.20(b)(1)(ii)(B) and (D)). The 2027 fixed gear portion of the sablefish ITAC and CDQ reserve will not be specified until the final 2027 and 2028 harvest specifications. AI Greenland turbot, "other flatfish," Alaska plaice, BS Pacific ocean perch, Kamchatka flounder, northern rockfish, shortraker rockfish, blackspotted and rougheye rockfish, "other rockfish," skates, sharks, and octopuses are not allocated to the CDQ Program.

⁴Under § 679.20(a)(5)(i)(A), the annual BS pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (46,000 mt) is further allocated by sector for a pollock directed fishery as follows: inshore-50 percent; catcher/processor-40 percent; and motherships-10 percent. Section 679.20(a)(5)(iii)(B)(1) requires the AI pollock TAC to be set at 19,000 mt when the AI pollock ABC equals or exceeds 19,000 mt. Under § 679.20(a)(5)(iii)(B)(2), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (4,500 mt) is allocated to the Aleut Corporation for a pollock directed fishery. The Bogoslof pollock TAC is set to accommodate incidental catch amounts.

⁵The proposed BS Pacific cod TAC is set to account for the 13 percent of the BS ABC, plus 45 mt, for the State of Alaska's (State) guideline harvest levels in State waters of the BS. The proposed AI Pacific cod TAC is set to account for 31 percent of the AI ABC for the State guideline harvest level in State waters of the AI.

⁶The sablefish OFL and ABC are Alaska-wide and include the Gulf of Alaska. The Alaska-wide sablefish OFL and ABC are included in the total OFL and ABC. The BS and AI sablefish TACs are set to account for the 5 percent of the BS and AI apportionment of ABC for the State of Alaska's (State) guideline harvest level in State waters of the BS and AI.

⁷"Rock sole" includes *Leptopsetta polyxystra* (northern rock sole) and *Leptopsetta bilineata* (southern rock sole).

⁸"Flathead sole" includes *Hippoglossoides elassodon* (flathead sole) and *Hippoglossoides robustus* (Bering flounder).

⁹"Other flatfish" includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

¹⁰"Blackspotted/Rougheye rockfish" includes *Sebastes melanostictus* (blackspotted) and *Sebastes aleutianus* (rougheye).

¹¹"Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for dark rockfish, Pacific ocean perch, northern rockfish, blackspotted/rougheye rockfish, and shortraker rockfish.

Note: Regulatory areas and districts are defined at § 679.2 (BSAI = Bering Sea and Aleutian Islands management area, BS = Bering Sea subarea, AI = Aleutian Islands subarea, EAI = Eastern Aleutian district, CAI = Central Aleutian district, WAI = Western Aleutian district.)

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Groundfish Reserves and the Incidental Catch Allowances for Pollock, Atka Mackerel, Flathead Sole, Rock Sole, Yellowfin Sole, and AI Pacific Ocean Perch

Section 679.20(b)(1)(i) requires NMFS to reserve 15 percent of the TAC for each target species category (except for pollock, fixed gear allocation of sablefish, and Amendment 80 species) in a nonspecified reserve. Section 679.20(b)(1)(ii)(B) requires that NMFS allocate 20 percent of the fixed gear allocation of sablefish to the fixed gear sablefish CDQ reserve for each subarea. Section 679.20(b)(1)(ii)(D) requires that NMFS allocate 7.5 percent of the trawl gear allocation of sablefish for each subarea from the nonspecified reserve and 10.7 percent of BS Greenland turbot and BSAI arrowtooth flounder TACs to the respective CDQ reserves. Section 679.20(b)(1)(ii)(C) requires that NMFS allocate 10.7 percent of the TACs for Atka mackerel, AI Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod (the Amendment 80 species) to the respective CDQ reserves.

Sections 679.20(a)(5)(i)(A) and 679.31(a) require allocation of 10 percent of the BS pollock TAC to the pollock CDQ directed fishing allowance (DFA). Sections 679.20(a)(5)(iii)(B)(2)(i) and 679.31(a) require 10 percent of the AI pollock TAC be allocated to the pollock CDQ DFA. The entire Bogoslof District pollock TAC is allocated as an incidental catch allowance (ICA) pursuant to § 679.20(a)(5)(i) because the Bogoslof District is closed to directed fishing for pollock by regulation (§ 679.22(a)(7)(B)). With the exception of the fixed gear sablefish CDQ reserve, the regulations do not further apportion the CDQ reserves by gear.

Pursuant to § 679.20(a)(5)(i)(A)(1), NMFS proposes a pollock ICA of 46,000 mt of the BS pollock TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS's examination of the pollock incidentally retained and discarded catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock in recent years. Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), NMFS proposes a pollock ICA of 4,500 mt of the AI pollock TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS's examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock in recent years.

After subtracting the 10.7 percent CDQ reserve and pursuant to § 679.20(a)(8) and (10), NMFS proposes ICAs of 2,000 mt of flathead sole, 3,000 mt of rock sole, 2,000 mt of yellowfin sole, 10 mt of Western Aleutian district Pacific ocean perch, 60 mt of Central Aleutian district Pacific ocean perch, 100 mt of Eastern Aleutian district Pacific ocean perch, 20 mt of Western Aleutian district Atka mackerel, 100 mt of Central Aleutian district Atka mackerel, and 800 mt of Eastern Aleutian district and BS subarea Atka mackerel. These ICAs are based on NMFS's examination of the incidental catch in other target fisheries in recent years.

The regulations do not designate the remainder of the nonspecified reserve by species or species group. Any amount of the reserve may be apportioned to a target species that contributed to the nonspecified reserve during the year, provided that such apportionments are consistent with § 679.20(a)(3) and do not result in overfishing (§ 679.20(b)(1)(i)). In the final 2026 and 2027 harvest specifications, NMFS will evaluate whether any apportionments are necessary and may apportion from the nonspecified reserve to increase the ITAC for any target species that contributed to the reserve.

Allocations of Pollock TAC Under the American Fisheries Act

Section 679.20(a)(5)(i)(A) requires that the BS pollock TAC be apportioned as a DFA, after subtracting 10 percent for the CDQ Program and 46,000 mt for the ICA, as follows: 50 percent to the inshore sector, 40 percent to the catcher/processor (C/P) sector, and 10 percent to the mothership sector. In the BS, 45 percent of the DFAs are allocated to the A season (January 20 through June 10), and 55 percent of the DFAs are allocated to the B season (June 10 through November 1) (§§ 679.20(a)(5)(i)(B)(1) and 679.23(e)(2)). The AI directed pollock fishery allocation to the Aleut Corporation is the amount of pollock TAC remaining in the AI, after subtracting 10 percent for the CDQ DFA and 3,000 mt for the ICA (§ 679.20(a)(5)(iii)(B)(2)). In the AI, the total A season apportionment of the pollock TAC (including the AI directed fishery allocation, the CDQ DFA, and the ICA) may not exceed 40 percent of the ABC for AI pollock, and the remainder of the pollock TAC is allocated to the B season (§ 679.20(a)(5)(iii)(B)(3)). Table 2 lists

these proposed 2026 and 2027 amounts. Within any fishing year, any under harvest or over harvest of a seasonal allowance may be added to or subtracted from a subsequent seasonal allowance (§§ 679.20(a)(5)(i)(B)(2) and 679.20(a)(5)(iii)(B)(3)(iii)).

Section 679.20(a)(5)(iii)(B)(6) sets harvest limits for pollock in the A season (January 20 through June 10) in Areas 543, 542, and 541. In Area 543, the A season pollock harvest limit is no more than 5 percent of the AI pollock ABC. In Area 542, the A season pollock harvest limit is no more than 15 percent of the AI pollock ABC. In Area 541, the A season pollock harvest limit is no more than 30 percent of the AI pollock ABC.

Section 679.20(a)(5)(i)(A)(4) includes several specific requirements regarding BS pollock allocations. First, it requires that 8.5 percent of the pollock allocated to the C/P sector be available for harvest by AFA CVs with C/P sector endorsements, unless the Regional Administrator receives a cooperative contract that allows the distribution of harvest among AFA C/Ps and AFA CVs in a manner agreed to by all members. Second, AFA C/Ps not listed in the AFA are limited to harvesting no more than 0.5 percent of the pollock allocated to the C/P sector. Table 2 lists the proposed 2026 and 2027 allocations of pollock TAC. Tables 13, 14, and 15 list the AFA C/P and CV sidebar limits. NMFS calculates the AFA inshore pollock cooperative and open access sector allocations based on the submission of AFA inshore cooperative applications each year. NMFS will include the 2026 AFA inshore pollock cooperative and open access sector allocations in the final harvest specifications. The 2027 allocations for AFA inshore pollock cooperative and open access sector allocations will not be known until eligible participants apply for participation in the program by December 1, 2026.

Table 2 also lists proposed seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest of pollock within the SCA, as defined at § 679.22(a)(7)(vii), is limited to no more than 28 percent of the annual pollock DFA before 12 p.m. (noon), April 1, as provided in § 679.20(a)(5)(i)(C). The A season pollock SCA harvest limit will be apportioned to each sector in proportion to each sector's allocated percentage of the DFA.

Table 2—Proposed 2026 and 2027 Allocations of Pollock TACs to the Directed Pollock Fisheries and to the CDQ Directed Fishing Allowances (DFA)¹

Area and Sector	2026 and 2027 Allocations	A Season DFA	SCA harvest limit ²	B Season DFA
Bering Sea subarea TAC	1,375,000	n/a	n/a	n/a
CDQ DFA	137,500	61,875	38,500	75,625
ICA ¹	46,000	n/a	n/a	n/a
Total Bering Sea DFA (non-CDQ)	1,191,500	536,175	333,620	655,325
AFA Inshore	595,750	268,088	166,810	327,663
AFA Catcher/Processors ³	476,600	214,470	133,448	262,130
Catch by C/Ps	436,089	196,240	n/a	239,849
Catch by CVs ³	40,511	18,230	n/a	22,281
Unlisted C/P Limit ⁴	2,383	1,072	n/a	1,311
AFA Motherships	119,150	53,618	33,362	65,533
Excessive Harvesting Limit ⁵	208,513	n/a	n/a	n/a
Excessive Processing Limit ⁶	357,450	n/a	n/a	n/a
Aleutian Islands subarea ABC	46,437	n/a	n/a	n/a
Aleutian Islands subarea TAC	19,000	n/a	n/a	n/a
CDQ DFA	1,900	1,900	n/a	n/a
ICA ¹	4,500	2,250	n/a	2,250
Aleut Corporation	12,600	12,600	n/a	n/a
Area harvest limit ⁷	n/a	n/a	n/a	n/a
541	13,931	n/a	n/a	n/a
542	6,966	n/a	n/a	n/a
543	2,322	n/a	n/a	n/a
Bogoslof District ICA ⁸	250	n/a	n/a	n/a

Note: Seasonal or sector apportionments may not be total precisely due to rounding.

¹Pursuant to § 679.20(a)(5)(i)(A), the annual Bering Sea subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (46,000 mt), is allocated as a DFA as follows: inshore sector-50 percent, C/P sector-40 percent, and mothership sector-10 percent. In the Bering Sea subarea, 45 percent of the DFA and CDQ DFA are allocated to the A season (January 20-June 10) and 55 percent of the DFA and CDQ DFA are allocated to the B season (June 10-November 1). When the Aleutian Islands pollock ABC equals or exceeds 19,000 mt, the annual TAC for the Aleutian Islands subarea is equal to 19,000 mt (§ 679.20(a)(5)(iii)(B)(1)). Pursuant to § 679.20(a)(5)(iii)(B)(2), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (4,500 mt), is allocated to the Aleut Corporation for a directed pollock fishery. In the Aleutian Islands subarea, the A season is allocated up to 40 percent of the AI pollock ABC.

²In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before noon, April 1. The SCA is defined at § 679.22(a)(7)(vii).

³Pursuant to § 679.20(a)(5)(i)(A)(4), 8.5 percent of the DFA allocated to listed C/Ps shall be available for harvest only by eligible catcher vessels with a C/P endorsement delivering to listed C/Ps, unless there is a cooperative contract for the year.

⁴ Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted C/Ps are limited to harvesting not more than 0.5 percent of the C/P sector's allocation of pollock.

⁵ Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS will establish an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

⁶ Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS will establish an excessive processing share limit equal to 30 percent of the sum of the non-CDQ pollock DFAs.

⁷ Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 no more than 30 percent, in Area 542 no more than 15 percent, and in Area 543 no more than 5 percent of the Aleutian Islands pollock ABC.

⁸ Pursuant to § 679.22(a)(7)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are therefore for incidental catch only and are not apportioned by season or sector (§ 679.20(a)(5)(ii)).

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Allocation of the Atka Mackerel TACs

Section 679.20(a)(8) allocates the Atka mackerel TACs to the Amendment 80 and BSAI trawl limited access sectors, after subtracting the CDQ reserves, ICAs for the BSAI trawl limited access sector and non-trawl gear sector, and the jig gear allocation (table 3). The percentage of the ITAC for Atka mackerel allocated to the Amendment 80 and BSAI trawl limited access sectors is listed in table 33 to 50 CFR part 679 and in § 679.91. Pursuant to § 679.20(a)(8)(i), up to 2 percent of the Eastern Aleutian district and BS subarea Atka mackerel TAC may be allocated to vessels using jig gear. The percent of this allocation is recommended annually by the Council based on several criteria, including the anticipated harvest capacity of the jig gear fleet. The Council recommended, and NMFS proposes, a 0.5 percent allocation of the Atka mackerel TAC in the Eastern Aleutian district and BS subarea to the jig sector gear in 2026 and 2027. This allocation, though, may change in the final harvest specifications. At the October Council meeting, the Council indicated that it may recommend at its December Council meeting a zero percent allocation of the Atka mackerel TAC in the Eastern Aleutian district and BS subarea to the jig sector for the final 2026 and 2027 harvest specifications. This is based on the amount of Atka

mackerel harvested by vessels using jig gear during recent fishing years; this sector has not utilized any of its allocation in recent years. The Council and NMFS will consider whether to reduce the allocation to zero percent of the Atka mackerel TAC in the Eastern Aleutian district and BS subarea to the jig sector gear for the final 2026 and 2027 harvest specifications, based on factors that include the anticipated harvest, if any, by vessels using jig gear in the upcoming fishing year, and any relevant public comment at the December Council meeting.

Section 679.20(a)(8)(ii)(A) apportions the Atka mackerel TAC, after subtraction of the jig gear allocation, into two equal seasonal allowances. Section 679.23(e)(3) sets the first seasonal allowance for directed fishing with trawl gear from January 20 through June 10 (A season), and the second seasonal allowance for directed fishing with trawl gear from June 10 through December 31 (B season). Section 679.23(e)(4)(iii) applies Atka mackerel seasons to trawl CDQ Atka mackerel fishing. Within any fishing year, any under harvest or over harvest of a seasonal allowance will be added to or subtracted from a subsequent seasonal allowance (§ 679.20(a)(8)(ii)(B)). The ICA and jig gear allocations are not apportioned by season.

Section 679.20(a)(8)(ii)(C)(1) limits Atka mackerel catch within waters 0

nautical miles (nmi) to 20 nmi (37.04 kilometers) of Steller sea lion sites listed in table 6 to 50 CFR part 679 and located west of 178° W longitude to no more than 60 percent of the annual TACs in Areas 542 and 543, and equally divides that annual harvest limit between the A and B seasons as defined at § 679.23(e)(3). Section 679.20(a)(8)(ii)(C)(2) requires that the annual TAC in Area 543 will be no more than 65 percent of the ABC in Area 543. Section 679.20(a)(8)(ii)(D) requires that any unharvested Atka mackerel A season allowance that is added to the B season be prohibited from being harvested within waters 0 nmi to 20 nmi (37.04 kilometers) of Steller sea lion sites listed in table 6 to 50 CFR part 679 and located in Areas 541, 542, and 543.

Table 3 lists the proposed 2026 and 2027 Atka mackerel seasonal allowances, area allowances, and the sector allocations. One Amendment 80 cooperative has formed for the 2026 fishing year. Because all Amendment 80 vessels are part of the sole cooperative, no allocation to the Amendment 80 limited access sector is required for 2026. The 2027 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2026.

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Table 3—Proposed 2026 and 2027 Seasonal and Area Allowances, Gear Shares, CDQ Reserve, Incidental Catch Allowance (ICA), and Amendment 80 Allocations of the BSAI Atka Mackerel TAC

Sector ¹	Season ^{2 3 4}	BS/EAI	CAI ⁵	WAI ⁵
TAC	Total	41,731	23,716	17,494
CDQ reserve	Total	4,465	2,538	1,872
	A	2,233	1,269	936
	Critical Habitat	n/a	761	562
	B	2,233	1,269	936
	Critical Habitat	n/a	761	562
non-CDQ TAC ⁷	Total	37,266	21,178	15,622
ICA	Total	800	100	20
Jig ⁶	Total	182	n/a	n/a
BSAI trawl limited access	Total	3,628	2,108	n/a
	A	1,814	1,054	n/a
	Critical Habitat	n/a	632	n/a
	B	1,814	1,054	n/a
	Critical Habitat	n/a	632	n/a
Amendment 80	Total	32,655	18,971	15,602
	A	16,328	9,485	7,801
	Critical Habitat	n/a	5,691	4,681
	B	16,328	9,485	7,801
	Critical Habitat	n/a	5,691	4,681

Note: Seasonal or sector apportionments may not be total precisely due to rounding.

¹Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, ICAs, and the jig gear allocation, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (§ 679.20(b)(1)(ii)(C)).

²Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

³The seasonal allowances of Atka mackerel for the CDQ reserve, BSAI trawl limited access sector, and Amendment 80 sector are 50 percent in the A season and 50 percent in the B season.

⁴Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 through June 10, and the B season from June 10 through December 31.

⁵Section 679.20(a)(8)(ii)(C)(1)(i) limits Atka mackerel catch within waters 0 nautical miles (nmi) to 20 nmi of Steller sea lion sites listed in table 6 to 50 CFR part 679 and located west of 178° W longitude to no more than 60 percent of the annual TACs in Areas 542 and 543; § 679.20(a)(8)(ii)(C)(1)(ii) equally divides the annual harvest limits between the A and B seasons as defined at § 679.23(e)(3); and § 679.20(a)(8)(ii)(C)(2) requires that the TAC in Area 543 shall be no more than 65 percent of ABC in Area 543.

⁶Sections 679.2 and 679.20(a)(8)(i) require that up to 2 percent of the Eastern Aleutian district and Bering Sea subarea TAC be allocated to jig gear after subtraction of the CDQ reserve and ICA. The proposed amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

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Allocation of the Pacific Cod TAC

Section 679.20(b)(1)(ii)(C) allocates 10.7 percent of the BS TAC and the AI TAC to the CDQ Program. After CDQ allocations have been deducted from the respective BS and AI Pacific cod TACs, the remaining BS and AI Pacific cod TACs are combined for calculating further BSAI Pacific cod sector allocations and seasonal allowances. If the non-CDQ Pacific cod TAC is or will be reached in either the BS or the AI subareas, NMFS will prohibit directed fishing for non-CDQ Pacific cod in that subarea, as provided in § 679.20(d)(1)(iii).

Section 679.20(a)(7)(ii) allocates to the non-CDQ sectors the combined BSAI Pacific cod TAC, after subtracting 10.7 percent for the CDQ Program, as follows: 1.4 percent to vessels using jig gear, 2.0 percent to hook-and-line or pot CVs less than 60 feet (ft) (18.3 meters (m)) LOA, 0.2 percent to hook-and-line CVs greater than or equal to 60 ft (18.3 m) LOA, 48.7 percent to hook-and-line C/Ps, 8.4 percent to pot CVs greater than or equal to 60 ft (18.3 m) LOA, 1.5 percent to pot C/Ps, 2.3 percent to AFA trawl C/Ps, 13.4 percent to the Amendment 80 sector, and 22.1 percent to trawl CVs. The BSAI ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of BSAI Pacific cod TAC allocated to the hook-and-line and pot sectors. For 2026 and 2027, the Regional Administrator proposes a BSAI ICA of 500 mt, based on anticipated incidental catch by these sectors in other fisheries. During the fishing year, NMFS may reallocate unharvested Pacific cod among sectors, consistent with the reallocation hierarchy set forth at § 679.20(a)(7)(iii).

The BSAI ITAC allocation of Pacific cod to the Amendment 80 sector is established in table 33 to 50 CFR part 679 and § 679.91. One Amendment 80 cooperative has formed for the 2026 fishing year. Because all Amendment 80 vessels are part of the sole cooperative, no allocation to the Amendment 80 limited access sector is required for 2026. The 2027 allocations for Pacific cod between Amendment 80

cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2026.

The BSAI ITAC allocation of Pacific cod to the Pacific Cod Trawl Cooperative Program (PCTC) Program is established in § 679.131(b). Section 679.131(b)(1)(i) also requires NMFS to establish an ICA for incidental catch of Pacific cod by trawl CVs engaged in directed fishing for groundfish other than PCTC Program Pacific cod. NMFS proposes ICAs of 1,500 mt and 700 mt for the A and B seasons, respectively, to account for projected incidental catch of Pacific cod by trawl CVs engaged in directed fishing for groundfish other than PCTC Program Pacific cod.

In the annual harvest specification process, NMFS determines the Pacific cod trawl CV TAC and the annual apportionment of Pacific cod in the A and B seasons between the PCTC Program DFA and the ICA (§ 679.131(b)(2)) (table 4 below). NMFS calculates the PCTC Program cooperative allocations based on the submission of PCTC cooperative applications each year, as set forth in § 679.131(b). NMFS will include the 2026 PCTC Program cooperative allocations in the final harvest specifications. The 2027 PCTC Program cooperatives allocations will not be known until eligible participants apply for participation in the program by November 1, 2026.

The sector allocations of Pacific cod are apportioned into seasonal allowances to disperse the Pacific cod fisheries over the fishing year (§§ 679.20(a)(7)(i)(B) (CDQ), 679.20(a)(7)(iv)(A) (non-CDQ), and 679.23(e)(5) (seasons)). Table 4 lists the CDQ allocations and the non-CDQ sector and seasonal allowances. In accordance with § 679.20(a)(7)(iv)(B) and (C), any unused portion of a non-CDQ Pacific cod seasonal allowance for any sector, except the jig sector, will become available at the beginning of that sector's next seasonal allowance. Section 679.20(a)(7)(i)(B) sets forth the CDQ Pacific cod gear allowances by

season, and CDQ groups are prohibited from exceeding those seasonal allowances (§ 679.7(d)(6)).

Section 679.20(a)(7)(vii) requires that the Regional Administrator establish an Area 543 Pacific cod harvest limit based on Pacific cod abundance in Area 543 as determined by the annual stock assessment process. Based on the 2024 stock assessment, the Regional Administrator has preliminarily determined for 2026 and 2027 that the estimated amount of Pacific cod abundance in Area 543 is 32 percent of total AI abundance. To calculate the Area 543 Pacific cod harvest limit, NMFS first subtracts the State GHL Pacific cod amount from the AI Pacific cod ABC. Then NMFS determines the harvest limit in Area 543 by multiplying the percentage of Pacific cod estimated in Area 543 (32 percent) by the remaining ABC for AI Pacific cod. Based on these calculations, which rely on the 2024 stock assessment, the proposed Area 543 harvest limit is 2,864 mt.

Under the PCTC Program, PCTC cooperatives are required to collectively set aside up to 12 percent of the trawl CV A-season allocation for delivery to an AI shoreplant established through the process set forth at § 679.132 in years in which an AI community representative notifies NMFS of their intent to process PCTC Program Pacific cod in Adak or Atka. A notice of intent to process PCTC Program Pacific cod for 2026 must be submitted in writing to the Regional Administrator by a representative of the City of Adak or the City of Atka no later than October 15. A notice of intent was not received in 2025, and accordingly the set-aside will not be in effect for 2026. The 2027 set-aside will be determined after the October 15, 2026, deadline in conjunction with the 2027 and 2028 harvest specifications process.

Based on the proposed 2026 and 2027 Pacific cod TACs, table 4 lists the CDQ and non-CDQ TAC amounts; non-CDQ seasonal allowances by gear; the sector allocations of Pacific cod; and the seasons set forth at § 679.23(e)(5).

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Table 4—Proposed 2026 and 2027 Sector Allocations and Seasonal Allowances of the BSAI¹ Pacific**Cod TAC**

Sector	Percent	2026 and 2027 share of area, gear, and sector total	Season	Seasonal Amounts
Total Bering Sea TAC	n/a	123,077	n/a	n/a
Bering Sea CDQ	n/a	13,169	See § 679.20(a)(7)(i)(B)	n/a
Bering Sea non-CDQ TAC	n/a	109,908	n/a	n/a
Total Aleutian Islands TAC	n/a	8,432	n/a	n/a
Aleutian Islands CDQ	n/a	902	See § 679.20(a)(7)(i)(B)	n/a
Aleutian Islands non-CDQ TAC	n/a	7,530	n/a	n/a
Western Aleutian Islands Limit	n/a	2,864	n/a	n/a
Total BSAI non-CDQ TAC ¹	100.0	117,438	n/a	n/a
Total hook-and-line/pot gear	60.8	71,402	n/a	n/a
Hook-and-line/pot ICA ²	n/a	500	n/a	n/a
Hook-and-line/pot sub-total	n/a	70,902	n/a	n/a
Hook-and-line catcher/processors	48.7	56,792	n/a	n/a
A-season	n/a	n/a	Jan 1-Jun 10	28,964
B-season	n/a	n/a	June 10-Dec 31	27,828
Hook-and-line catcher vessels ≥60 ft LOA	0.2	233	n/a	n/a
A-season	n/a	n/a	Jan 1-Jun 10	119
B-season	n/a	n/a	June 10-Dec 31	114
Pot catcher/processors	1.5	1,749	n/a	n/a
A-season	n/a	n/a	Jan 1-Jun 10	892
B-season	n/a	n/a	Sept 1-Dec 31	857
Pot catcher vessels ≥60 ft LOA	8.4	9,796	n/a	n/a
A-season	n/a	n/a	Jan 1-Jun 10	4,996
B-season	n/a	n/a	Sept 1-Dec 31	4,800
Catcher vessels <60ft LOA using hook-and-line or pot	2.0	2,332	n/a	n/a

Trawl catcher vessels ³	22.1	25,954	n/a	n/a
A-season ICA	n/a	n/a	Jan 20-Apr 1	1,500
A-season PCTC	n/a	n/a	Jan 20-Apr 1	17,706
B-season ICA	n/a	n/a	Apr 1-Jun 10	700
B-season PCTC	n/a	n/a	Apr 1-Jun 10	2,155
C-season trawl catcher vessels	n/a	n/a	Jun 10-Nov 1	3,893
AFA trawl catcher/processors	2.3	2,701	n/a	n/a
A-season	n/a	n/a	Jan 20-Apr 1	2,026
B-season	n/a	n/a	Apr 1-Jun 10	675
C-season	n/a	n/a	Jun 10-Nov 1	0
Amendment 80	13.4	15,737	n/a	n/a
A-season	n/a	n/a	Jan 20-Apr 1	11,802
B-season	n/a	n/a	Apr 1-Jun 10	3,934
C-season	n/a	n/a	Jun 10-Dec 31	0
Jig	1.4	1,644	n/a	n/a
A-season	n/a	n/a	Jan 1-Apr 30	986
B-season	n/a	n/a	Apr 30-Aug 31	329
C-season	n/a	n/a	Aug 31-Dec 31	329

Note: Seasonal or sector apportionments may not be total precisely due to rounding.

¹The sector allocations and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after subtraction of the reserves for the CDQ Program. If the TAC for Pacific cod in either the BS or AI is or will be reached, then directed fishing will be prohibited for non-CDQ Pacific cod in that subarea, even if a BSAI allowance remains (§ 679.20(d)(1)(iii)).

²The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator proposes an ICA of 500 mt based on anticipated incidental catch by these sectors in other fisheries.

³The A and B season trawl CV Pacific cod allocation will be allocated to the PCTC Program after subtraction of the A and B season ICAs (§ 679.131(b)(1)). The Regional Administrator proposes for the A and B seasons, ICAs of 1,500 mt and 700 mt, respectively, to account for projected incidental catch of Pacific cod by trawl catcher vessels engaged in directed fishing for groundfish other than PCTC Program Pacific cod.

Sablefish Gear Allocation

Sections 679.20(a)(4)(iii) and (iv) require allocation of sablefish TAC for the BS and AI between trawl gear and fixed gear. Gear allocations of the sablefish TAC for the BS are 50 percent for trawl gear and 50 percent for fixed gear. Gear allocations of the TAC for the AI are 25 percent for trawl gear and 75 percent for fixed gear. Section 679.20(b)(1)(ii)(B) requires that NMFS apportion 20 percent of the fixed gear allocation of sablefish TAC to the CDQ

reserve for each subarea. Also, § 679.20(b)(1)(ii)(D)(1) requires that 7.5 percent of the trawl gear allocation of sablefish TAC from the nonspecified reserve, established under § 679.20(b)(1)(i), be apportioned to the CDQ reserve. The Council recommended and NMFS proposes that only trawl sablefish TAC be established biennially. The harvest specifications for the fixed gear sablefish Individual Fishing Quota (IFQ) fisheries are limited to the 2026 fishing year to ensure those

fisheries are conducted concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut IFQ fisheries reduce the potential for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries remain closed at the beginning of each fishing year until the final harvest specifications for the sablefish IFQ fisheries are in effect. Table 5 lists the proposed 2026 and 2027 gear allocations of the sablefish TAC and CDQ reserve amounts.

Table 5—Proposed 2026 and 2027 Gear Shares and CDQ Reserve of BSAI Sablefish TACs

Subarea and gear	Percent of TAC	2026 Share of TAC	2026 ITAC ¹	2026 CDQ reserve	2027 Share of TAC	2027 ITAC	2027 CDQ reserve
Bering Sea	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Trawl gear	50	4,498	3,823	337	4,498	3,823	337
Fixed gear ²	50	4,498	3,598	900	n/a	n/a	n/a
Total	100	8,996	7,422	1,237	4,498	3,823	337
Aleutian Islands	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Trawl gear	25	1,860	1,581	140	1,860	1,581	140
Fixed gear ²	75	5,580	4,464	1,116	n/a	n/a	n/a
Total	100	7,440	6,045	1,256	1,860	1,581	140

Note: Seasonal or sector apportionments may not total precisely due to rounding.

¹For the sablefish TAC allocated to vessels using trawl gear, 15 percent of TAC is apportioned to the nonspecified reserve (§ 679.20(b)(1)(i)). The ITAC for vessels using trawl gear is the remainder of the TAC after subtracting this reserve. In the BS and AI, 7.5 percent of the trawl gear allocation of the TAC is assigned from the nonspecified reserve to the CDQ reserve (§ 679.20(b)(1)(ii)(D)(I)).

²For the portion of the sablefish TAC allocated to vessels using fixed gear, 20 percent of the allocated TAC for the BS and AI is reserved for use by CDQ participants (§ 679.20(b)(1)(ii)(B)). The ITAC for vessels using fixed gear is the remainder of the TAC after subtracting the CDQ reserve for each subarea. The Council recommended, and NMFS proposes, that specifications for the fixed gear sablefish IFQ fisheries be limited to the 2026 fishing year.

Allocation of the AI Pacific Ocean Perch, and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs

Section 679.20(a)(10)(i) and (ii) require that NMFS allocate AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs between the Amendment 80 sector and the BSAI trawl limited access sector, after subtracting 10.7 percent for the CDQ reserves and amounts for ICAs for the BSAI trawl limited access sector and

vessels using non-trawl gear. The allocation of the ITACs for AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole to the Amendment 80 sector and the BSAI trawl limited access sector is established in accordance with tables 33 and 34 to 50 CFR part 679 and in § 679.91.

One Amendment 80 cooperative has formed for the 2026 fishing year. Because all Amendment 80 vessels are part of the sole cooperative, no allocation to the Amendment 80 limited

access sector is required for 2026. The 2027 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2026. Table 6 lists the proposed 2026 and 2027 allocations of the AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs.

Table 6—Proposed 2026 and 2027 Community Development Quota (CDQ) Reserves, Incidental Catch Amounts (ICAs), and Amendment 80 Sector and BSAI Trawl Limited Access Sector Allocations of the Aleutian Islands Pacific Ocean Perch, and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs

Sector	Pacific Ocean Perch			Flathead sole	Rock Sole	Yellowfin sole
	EAI	CAI	WAI	BSAI	BSAI	BSAI
TAC	6,144	5,441	12,000	36,000	75,000	145,000
CDQ	657	582	1,284	3,852	8,025	15,515
ICA	100	60	10	2,000	3,000	2,000
BSAI trawl limited access	539	480	214	n/a	n/a	15,936
Amendment 80 ¹	4,848	4,319	10,492	30,148	63,975	111,549

Note: Seasonal or sector apportionments may not total precisely due to rounding.

¹The 2027 allocations between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by the deadline of November 1, 2026.

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Section 679.2 defines the ABC surplus for flathead sole, rock sole, and yellowfin sole as the difference between the annual ABC and TAC for each species. Section 679.20(b)(1)(iii) establishes ABC reserves for flathead sole, rock sole, and yellowfin sole. The ABC surpluses and the ABC reserves are necessary to mitigate the operational variability, environmental conditions, and economic factors that may constrain the CDQ groups and the Amendment 80 cooperatives from fully harvesting their

allocations and to improve the likelihood of achieving and maintaining, on a continuing basis, the OY in the BSAI groundfish fisheries. NMFS, after consultation with the Council, may set the ABC reserve at or below the ABC surplus for each species, thus maintaining the TAC at or below ABC limits. An amount equal to 10.7 percent of the ABC reserves will be allocated as CDQ ABC reserves for flathead sole, rock sole, and yellowfin sole. Section 679.31(b)(4) establishes the annual allocations of CDQ ABC reserves

among the CDQ groups. The Amendment 80 ABC reserves are the ABC reserves minus the CDQ ABC reserves. Section 679.91(i)(2) establishes each Amendment 80 cooperative ABC reserves to be the ratio of each cooperatives' quota share units and the total Amendment 80 quota share units, multiplied by the Amendment 80 ABC reserve for each respective species. Table 7 lists the proposed 2026 and 2027 ABC surplus and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole.

Table 7—Proposed 2026 and 2027 ABC Surplus, ABC Reserves, Community Development Quota

(CDQ) ABC Reserves, and Amendment 80 ABC Reserves in the BSAI for Flathead Sole, Rock Sole, and Yellowfin Sole

Sector	Flathead sole	Rock sole	Yellowfin Sole
ABC	87,700	158,225	267,639
TAC	36,000	75,000	145,000
ABC surplus	51,700	83,225	122,639
ABC reserve	51,700	83,225	122,639
CDQ ABC reserve	5,532	8,905	13,122
Amendment 80 ABC reserve ¹	46,168	74,320	109,517

Note: Seasonal or sector apportionments may not total precisely due to rounding.

¹The 2027 allocations between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by the deadline of November 1, 2026.

Proposed PSC Limits for Halibut, Crab, and Herring

Sections 679.21(b) and (e) set forth the BSAI PSC limits for halibut, crab, and herring.

Section 679.21(b) establishes three fixed annual BSAI halibut PSC limits totaling 1,770 mt and assigns 315 mt as the PSQ reserve for use by the CDQ Program, 745 mt for the BSAI trawl limited access sector, and 710 mt for the BSAI non-trawl sector.

An additional amount of BSAI halibut PSC limit for the Amendment 80 sector is determined annually based on the most recent halibut biomass estimates from the International Pacific Halibut Commission (IPHC) setline survey index and the NMFS Alaska Fisheries Science Center (AFSC) Eastern Bering Sea shelf trawl survey index. In accordance with § 679.21(b)(1)(i), NMFS uses both halibut biomass estimates such that the value at the intercept of those survey indices from table 58 to 50 CFR part 679 is the Amendment 80 sector halibut PSC limit. The 2025 AFSC Eastern Bering Sea shelf trawl survey index estimate of halibut abundance is 133,705 mt, which is below the threshold level of 150,000 mt and is in the “low” abundance state. The 2025 IPHC setline survey index is 6,664 weight per unit effort and is in the “low” abundance state. Pursuant to table 58 to 50 CFR part 679, the 2026 Amendment 80 sector halibut PSC limit is 1,309 mt. NMFS will publish the 2027 Amendment 80 sector halibut PSC limit in the 2027 and 2028 harvest specifications.

Sections 679.21(b)(1)(iii)(A) and (B) require apportionment of the BSAI non-trawl halibut PSC limit into PSC allowances among six fishery categories. Table 11 lists the proposed fishery PSC allowances for the non-trawl fisheries.

Sections 679.21(b)(1)(ii)(A) and (B), (e)(3)(i)(B), and (e)(3)(iv) require apportionment of the BSAI trawl limited access sector’s halibut and crab PSC limits into PSC allowances among seven fishery categories. Tables 9 and 10 list the proposed fishery PSC allowances for the BSAI trawl limited access sector fisheries.

Pursuant to section 3.6 of the FMP, the Council recommended, and NMFS proposes, that certain specified non-trawl fisheries be exempt from the halibut PSC limit. As in past years, after consultation with the Council, NMFS proposes to exempt the pot gear fishery, the jig gear fishery, and the sablefish IFQ fixed gear fishery categories from halibut bycatch restrictions for the following reasons: (1) the pot gear fisheries have low halibut bycatch mortality; (2) NMFS estimates halibut mortality for the jig gear fleet to be negligible because of the small size of the fishery and the selectivity of the gear; and (3) the sablefish and halibut IFQ fisheries have low halibut bycatch mortality because the IFQ Program requires legal-size halibut to be retained by vessels using fixed gear if a halibut IFQ permit holder or a hired master is aboard and is holding unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)).

As of November 13, 2025, total groundfish catch from pot gear in the BSAI was 17,435 mt, with an associated halibut bycatch mortality of 15 mt. The 2025 jig gear fishery harvested 0 mt of groundfish.

Pursuant to § 679.21(e), PSC limits for crab and herring are specified annually based on abundance and spawning biomass.

Based on the most recent (2025) survey data, the red king crab mature female abundance is estimated at 12.7 million red king crabs, and the effective spawning biomass is estimated at 25.9 million lbs (11,750 mt). Based on the criteria set out at § 679.21(e)(1)(i), the calculated 2026 and 2027 PSC limit of red king crab in Zone 1 for trawl gear is 97,000 animals. This limit derives from the mature female abundance estimate above 8.4 million mature red king crab and an effective spawning biomass between 14.5 and 55 million lbs.

Section 679.21(e)(3)(ii)(B)(2) establishes criteria under which NMFS must specify, after consultation with the Council, an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS) if the State has established a GHL fishery for red king crab in the Bristol Bay area in the previous year. The regulations limit the RKCSS red king crab bycatch limit to 25 percent of the red king crab PSC limit, based on the need to optimize the groundfish harvest relative to red king crab bycatch. In October 2025, the Council recommended and NMFS proposes that the RKCSS red king crab

bycatch limit for 2026 and 2027 be equal to 25 percent of the red king crab PSC limit (table 9).

Based on the most recent (2025) survey data from the NMFS annual bottom trawl survey, Tanner crab (*Chionoecetes bairdi*) abundance is estimated at 1,151.3 million animals. Pursuant to criteria set out at § 679.21(e)(1)(ii), the calculated 2026 and 2027 *C. bairdi* crab PSC limit for trawl gear is 980,000 animals in Zone 1 and 2,970,000 animals in Zone 2. The limit in Zone 1 is based on the total abundance of *C. bairdi* (estimated at 1,151.3 million animals), which is greater than 400 million animals. The limit in Zone 2 is based on the total abundance of *C. bairdi* (estimated at 1,153.1 million animals), which is greater than 400 million animals.

Pursuant to § 679.21(e)(1)(iii), the PSC limit for trawl gear for snow crab (*C. opilio*) is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit in the *C. opilio* bycatch limitation zone (COBLZ) is set at 0.1133 percent of the Bering Sea abundance index minus 150,000 crabs, unless a minimum or maximum PSC limit applies. Based on the most recent (2025) survey estimate of 12.64 billion animals, the calculated *C. opilio* crab PSC limit is 14,321,120 animals. Because 0.1133 percent multiplied by the total abundance is greater than 13 million animals, the maximum PSC limit applies and the PSC limit will be 12,850,000 million animals.

Pursuant to § 679.21(e)(1)(v), the PSC limit of Pacific herring caught while conducting any trawl operation for BSAI groundfish is 1 percent of the annual eastern Bering Sea herring biomass. Due to the lack of new information as of October 2025 regarding herring PSC limits and apportionments, the Council recommended, and NMFS proposes, basing the proposed 2026 and 2027 herring PSC limits and apportionments on the 2025 forecasted biomass estimate. Based on the 2025 forecasted biomass estimate, the best current estimate of 2026 and 2027 herring biomass is 265,096 mt. This amount was developed by the Alaska Department of Fish and Game based on biomass for spawning aggregations. Therefore, the herring PSC limit proposed for 2026 and 2027 is 2,651 mt for all trawl gear as listed in tables 8 and 9. The Council and NMFS will reconsider the herring PSC

limit for the final harvest specifications when updated annual survey data and information on biomass becomes available.

Section 679.21(e)(3)(i)(A)(1) allocates 10.7 percent of each trawl gear PSC limit specified for crab as a PSQ reserve for use by the groundfish CDQ Program. Section 679.21(e)(3)(i)(A) requires that crab PSQ reserves be subtracted from the total trawl PSC limits. The crab and halibut PSC limits apportioned to the Amendment 80 and BSAI trawl limited access sectors are listed in table 35 to 50 CFR part 679. The resulting proposed 2026 and 2027 apportionments of crab and halibut PSC limits to CDQ PSQ, the Amendment 80 sector, and the BSAI trawl limited access sector are listed in table 8. Pursuant to §§ 679.21(b)(1)(i), 679.21(e)(3)(vi), and 679.91(d) through (f), crab and halibut trawl PSC limits apportioned to the Amendment 80 sector are then further assigned to Amendment 80 cooperatives as cooperative quotas. Crab and halibut PSC cooperative quotas assigned to Amendment 80 cooperatives are not allocated to specific fishery categories.

One Amendment 80 cooperative has formed for the 2026 fishing year. Because all Amendment 80 vessels are part of the sole cooperative, no PSC limit to the Amendment 80 limited access sector is required for 2026. The 2027 PSC limit apportionments between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2026.

The BSAI allocation of halibut and crab PSC limits to the PCTC Program is established in § 679.131(c) and (d). The halibut PSC apportioned to the trawl CV sector is 98 percent of the halibut PSC limit apportioned to the BSAI trawl limited access sector's Pacific cod fishery category, and the remaining 2 percent is apportioned to the AFA C/P sector. The trawl CV sector apportionment is further allocated to the A and B seasons (95 percent) and the C season (5 percent). The allocation to the A and B season is subject to a 25 percent reduction consistent with § 679.131(c)(1)(iii) for the overall PCTC Program halibut PSC limit. The crab PSC apportioned to the trawl CV sector is 90.6 percent of the crab PSC limit apportioned to the BSAI trawl limited access sector's Pacific cod fishery category, and the remaining 9.4 percent

is apportioned to the AFA C/P sector. The trawl CV sector apportionment is further allocated to the A and B seasons (95 percent) and the C season (5 percent), and the A and B season limit is reduced by 35 percent to determine the overall PCTC Program crab PSC limit.

Pursuant to § 679.131(c) and (d), the halibut and crab trawl PSC limits assigned to the PCTC Program are then further issued to PCTC Program cooperatives as cooperative quotas. NMFS calculates the halibut and crab PSC limits for PCTC Program cooperatives based on the submission of PCTC cooperative applications each year, as set forth in § 679.131(c) and (d). NMFS will include the 2026 halibut and crab PSC limits for PCTC Program cooperatives in the final harvest specifications. The 2027 allocations of halibut and crab PSC limits for PCTC Program cooperatives will not be known until eligible participants apply for participation in the program by November 1, 2026.

Sections 679.21(b)(2) and (e)(5) authorize NMFS, after consulting with the Council, to establish seasonal apportionments of halibut and crab PSC limits for the BSAI non-trawl, BSAI trawl limited access, and Amendment 80 limited access sectors to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors considered are (1) seasonal distribution of prohibited species, (2) seasonal distribution of target groundfish species relative to prohibited species distribution, (3) prohibited species bycatch needs on a seasonal basis relative to prohibited species biomass and expected catches of target groundfish species, (4) expected variations in bycatch rates throughout the year, (5) expected changes in directed groundfish fishing seasons, (6) expected start of fishing effort, and (7) economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry. Based on these factors, the Council recommended, and NMFS proposes, the seasonal PSC apportionments in tables 10 and 11 to maximize harvest among gear types, fisheries, and seasons, while minimizing bycatch of PSC.

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Table 8—Proposed 2026 and 2027 Apportionment of Prohibited Species Catch Allowances to Non-Trawl Gear, the CDQ Program, Amendment 80, and the BSAI Trawl Limited Access Sectors

PSC species and area and zone ¹	Total PSC	Non-trawl PSC	CDQ PSQ reserve ²	Trawl PSC remaining after CDQ PSQ	Amendment 80 sector ^{3,4}	BSAI trawl limited access sector	BSAI PSC limits not allocated to Amendment 80
Halibut mortality (mt) BSAI	3,079	710	315	n/a	1,309	745	n/a
Herring (mt) BSAI	2,651	n/a	n/a	n/a	n/a	n/a	n/a
Red king crab (animals) Zone 1	97,000	n/a	10,379	86,621	43,293	26,489	16,839
C. opilio (animals) COBLZ	12,850,000	n/a	1,374,950	11,475,050	5,639,987	3,688,081	2,146,982
C. bairdi crab (animals) Zone 1	980,000	n/a	104,860	875,140	368,521	411,228	95,390
C. bairdi crab (animals) Zone 2	2,970,000	n/a	317,790	2,652,210	627,778	1,241,500	782,932

Note: Seasonal or sector apportionments may not total precisely due to rounding.

¹Refer to § 679.2 for definitions of areas and zones.

²The PSQ reserve for the CDQ Program for crab species is 10.7 percent of each crab PSC limit.

³The Amendment 80 program reduced apportionment of the trawl PSC limits for crab below the total PSC limit. These reductions are not apportioned to other gear types or sectors.

⁴The halibut PSC limit for the Amendment 80 sector is determined annually based on the most recent halibut biomass estimates from the IPHC setline survey index and the NMFS AFSC Eastern Bering Sea shelf trawl survey index (§ 679.21(b)(1)(i)(A)-(C)). NMFS uses both halibut biomass estimates such that the value at the intercept of those survey indices from table 58 to 50 CFR part 679 is the Amendment 80 sector halibut PSC limit.

Table 9—Proposed 2026 and 2027 Herring and Red King Crab Savings Subarea Prohibited Species**Catch Allowances for All Trawl Sectors**

Fishery categories	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole	153	n/a
Rock sole/flathead sole/Alaska plaice/other flatfish ¹	77	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	8	n/a
Rockfish	8	n/a
Pacific cod	14	n/a
Midwater trawl pollock	2,359	n/a
Pollock/Atka mackerel/other species ^{2 3}	31	n/a
2026 and 2027 Red king crab savings subarea nonpelagic trawl gear ⁴	n/a	24,250
Total trawl PSC	2,651	97,000

Note: Seasonal or sector apportionments may not total precisely due to rounding.

¹“Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

² Pollock other than midwater trawl pollock, Atka mackerel, and “other species” fishery category.

³“Other species” for PSC monitoring includes skates, sharks, and octopuses.

⁴In October 2025, the Council recommended and NMFS proposes that the red king crab bycatch limit within the RKCSS be limited to 25 percent of the red king crab PSC limit (§ 679.21(e)(3)(ii)(B)(2)).

Table 10—Proposed 2026 and 2027 Prohibited Species Bycatch Allowances for the BSAI Trawl**Limited Access Sectors and Pacific Cod Trawl Cooperative Programs**

BSAI trawl limited access sector fisheries	Prohibited species and area ¹				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	C. opilio (animals) COBLZ	C. bairdi (animals)	
				Zone 1	Zone 2
Yellowfin sole	250	23,337	3,521,726	346,228	1,185,500
Rock sole/flathead sole/Alaska plaice/other flatfish ²	n/a	n/a	n/a	n/a	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	n/a	n/a	n/a	n/a	n/a
Rockfish April 15-December 31	5	n/a	2,971	n/a	1,000
Total Pacific cod ³	300	2,955	148,531	60,000	50,000
AFA C/P Pacific cod	6	278	13,962	5,640	4,700
PCTC Program Pacific cod, A and B	209	1,653	83,097	33,567	27,973
Trawl CV Pacific cod, C season	15	134	6,728	2,718	2,265
PCTC Program unallocated reduction	70	890	44,744	18,075	15,062
Pollock/Atka mackerel/other species ⁴	175	197	14,854	5,000	5,000
Total BSAI trawl limited access sector PSC	745	26,489	3,688,081	411,228	1,241,500

Note: Seasonal or sector apportionments may not total precisely due to rounding.

¹Refer to § 679.2 for definitions of areas and zones.

²“Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

³The BSAI trawl limited access sector Pacific cod PSC limits for halibut and crab are split between AFA C/Ps, PCTC A and B-season for trawl CVs, and open access C-season. NMFS will apply a 25 percent reduction to the A and B season trawl CV sector halibut PSC limit in the annual harvest specifications after the Council recommends and NMFS approves the BSAI trawl limited access sector's PSC limit apportionments to fishery categories including the Pacific cod fishery category. In addition, NMFS will apply a 35 percent reduction to the A and B season trawl CV sector crab PSC limit. Any amount of the PCTC Program halibut or crab PSC limits remaining after the B season may be reapportioned to the trawl CV open access fishery in the C season. Because the annual PSC limits for the PCTC Program are not a fixed amount established in regulation and, instead, are determined annually through the harvest specification process, NMFS must apply the reduction to the A and B season apportionment of the trawl CV sector apportionment to implement the overall PSC reductions under the PCTC Program.

⁴“Other species” for PSC monitoring includes skates, sharks, and octopuses.

Table 11—Proposed 2026 and 2027 Halibut Prohibited Species Bycatch Allowances for Non-Trawl**Fisheries**

Non-trawl fisheries	Seasons	Catcher/processor	Catcher vessel	All Non-Trawl
Pacific cod	Annual Pacific cod	648	13	661
	January 1-June 10	388	9	n/a
	June 10-August 15	162	2	n/a
	August 15-December 31	98	2	n/a
Non-Pacific cod non-trawl-Total	May 1-December 31	n/a	n/a	49
Groundfish pot and jig	n/a	n/a	n/a	Exempt
Sablefish hook-and-line	n/a	n/a	n/a	Exempt
Total for all non-trawl PSC	n/a	n/a	n/a	710

Note: Seasonal or sector apportionments may not total precisely due to rounding.

BILLING CODE 3510-22-C***Halibut Discard Mortality Rates***

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut bycatch rates, halibut discard mortality rates (DMRs), and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut bycatch rates are based on observed estimates of halibut bycatch in the groundfish fishery. DMRs are estimates of the proportion of halibut bycatch that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best scientific

information available in conjunction with the annual BSAI stock assessment process.

The DMRs are calculated annually based on a methodology developed by a halibut working group made up of IPHC, Council, and NMFS staff. The DMR methodology and findings are included as an appendix to the 2024 SAFE Report (see **ADDRESSES**). The halibut working group continues to consider improvements to the methodology used to calculate halibut mortality, including potential changes to the reference period (the period of data used for calculating the DMRs). Future DMRs may change based on additional years of observer sampling, which could provide more recent and accurate data and which could improve the accuracy of estimation and progress on methodology. The methodology will

continue to ensure that NMFS is using DMRs that more accurately reflect halibut mortality, which will inform the different sectors of their estimated halibut mortality and allow specific sectors to respond with methods that could reduce mortality and, eventually, the DMR for that sector.

At the October 2025 meeting, the SSC reviewed the DMRs recommended by the Plan Team that were derived from the DMR methodology, which uses a 2-year and 4-year reference period depending on data availability. The Council then reviewed and recommended proposed 2026 and 2027 DMRs. NMFS is proposing the DMRs reviewed by the SSC and recommended by the Council in October 2025 for the proposed 2026 and 2027 DMRs. Table 12 lists the proposed 2026 and 2027 DMRs.

Table 12—Proposed 2026 and 2027 Pacific Halibut Discard Mortality Rates (DMR) for the BSAI

Gear	Sector	Halibut discard mortality rate (percent)
Pelagic Trawl	All	100
Nonpelagic Trawl	Mothership and catcher/processor	86
Nonpelagic Trawl	Catcher vessel	62
Hook-and-line	Catcher vessel	10
Hook-and-line	Catcher/processor	10
Pot	All	19

Proposed Salmon PSC Limits

Under § 679.21(f)(2), NMFS annually allocates portions of either 33,318, 45,000, 47,591, or 60,000 Chinook salmon PSC limits among the AFA sectors, depending on past bycatch performance, on whether Chinook salmon bycatch incentive plan agreements (IPA) are approved, and on whether NMFS determines it is a low Chinook salmon abundance year. NMFS will determine that it is a low Chinook salmon abundance year when abundance of Chinook salmon in western Alaska is less than or equal to 250,000 Chinook salmon. The State provides to NMFS an estimate of Chinook salmon abundance using the 3-System Index for western Alaska, based on the Kuskokwim, Unalakleet, and Upper Yukon aggregate stock grouping.

If an AFA sector participates in an approved IPA and has not exceeded its performance standard under § 679.21(f)(6), and if it is not a low Chinook salmon abundance year, then NMFS will allocate a portion of the 60,000 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(A). If no IPA is approved or the sector has exceeded its performance standard under § 679.21(f)(6), and if it is not a low abundance year, then NMFS will allocate a portion of the 47,591 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(C). If an AFA sector participates in an approved IPA and has not exceeded its performance standard under § 679.21(f)(6) and it is a low abundance year, then NMFS will allocate a portion of the 45,000 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(B). If no IPA is approved or the sector has exceeded its performance standard under § 679.21(f)(6) and it is a low abundance year, then NMFS will allocate a portion of the 33,318 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(D).

NMFS has determined that 2025 was a low Chinook salmon abundance year, based on the State's estimate that Chinook salmon abundance in western Alaska is less than 250,000 Chinook

salmon. Therefore, in 2026, the Chinook salmon PSC limit is 45,000 Chinook salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(B). In 2026, the Chinook salmon bycatch performance standard under § 679.21(f)(6) is 33,318 Chinook salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(D). If a sector exceeds its Chinook salmon bycatch performance standard in any three of seven consecutive years, that sector's allocation is reduced to the amount allocated under the Chinook salmon bycatch performance standard at § 679.21(f)(3)(iii)(C)–(D). The AFA sector Chinook salmon PSC allocations are also seasonally apportioned with 70 percent of the allocation for the A season pollock fishery and 30 percent of the allocation for the B season pollock fishery (§§ 679.21(f)(3)(i) and 679.23(e)(2)). NMFS publishes the approved IPAs and the Chinook salmon PSC allocations and reports at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/sustainable-fisheries-alaska>.

Section 679.21(g)(2)(i) specifies 700 fish as the Chinook salmon PSC limit for the AI pollock fishery. Section 679.21(g)(2)(ii) allocates 7.5 percent, or 53 Chinook salmon, as the AI PSQ reserve for the CDQ Program and allocates the remaining 647 Chinook salmon to the non-CDQ fisheries.

Section 679.21(f)(14)(i) specifies 42,000 fish as the non-Chinook salmon PSC limit for vessels using trawl gear from August 15 through October 14 in the Catcher Vessel Operational Area (CVOA). Section 679.21(f)(14)(ii) allocates 10.7 percent, or 4,494 non-Chinook salmon, in the CVOA as the PSQ reserve for the CDQ Program and allocates the remaining 37,506 non-Chinook salmon in the CVOA to the non-CDQ fisheries. Section 679.21(f)(14)(iv) exempts from closures in the Chum Salmon Savings Area trawl vessels participating in directed fishing for pollock and operating under an IPA approved by NMFS.

AFA Harvesting Sideboard Limits

Section 679.64 establishes groundfish harvesting and processing sideboard limits on AFA C/Ps and CVs in the

BSAI. These sideboard limits are necessary to protect the interests of fishermen and processors who do not directly benefit from the AFA from those fishermen and processors who received exclusive harvesting and processing privileges under the AFA.

Listed AFA C/P Sideboard Limits

Pursuant to § 679.64(a)(1), the Regional Administrator establishes annual AFA C/P harvest limits for each groundfish species or species group in which a TAC is specified for an area or subarea of the BSAI. Section 679.20(d)(1)(iv)(D) and table 54 to 50 CFR part 679 prohibit non-exempt AFA C/Ps from directed fishing for all groundfish species or species groups subject to sideboard limits. NMFS proposes to exempt AFA C/Ps from a yellowfin sole sideboard limit pursuant to § 679.64(a)(1)(v) because the proposed 2026 and 2027 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Section 679.64(a)(2) and tables 40 and 41 to 50 CFR part 679 establish a formula for calculating PSC sideboard limits for halibut and crab caught by listed AFA C/Ps. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). PSC species listed in table 13 that are caught by listed AFA C/Ps participating in any groundfish fishery other than pollock will accrue against the proposed 2026 and 2027 PSC sideboard limits for the listed AFA C/Ps. Sections 679.21(b)(4)(iii), (e)(3)(v), and (e)(7) authorize NMFS to close directed fishing for groundfish other than pollock for listed AFA C/Ps once a 2026 or 2027 PSC sideboard limit is reached. Pursuant to § 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), halibut or crab PSC by listed AFA C/Ps while fishing for pollock will accrue against the PSC allowances annually specified for the pollock/Atka mackerel/"other species" fishery categories, according to § 679.21(b)(1)(ii)(B) and (e)(3)(iv).

Table 13—Proposed 2026 and 2027 BSAI American Fisheries Act Listed Catcher/Processor**Prohibited Species Sideboard Limits**

PSC species and area ¹	Ratio of PSC to total PSC	Proposed 2026 and 2027 PSC available to trawl vessels after subtraction of PSQ ²	Proposed 2026 and 2027 C/P sideboard limit ²
Halibut	n/a	n/a	286
Red king crab Zone 1	0.007	86,621	606
C. opilio COBLZ	0.153	11,475,050	1,755,683
C. bairdi Zone 1	0.140	875,140	122,520
C. bairdi Zone 2	0.050	2,652,210	132,610

Note: Seasonal or sector apportionments may not total precisely due to rounding.

¹Refer to § 679.2 for definitions of areas.

²Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

AFA CV Sideboard Limits

Section 679.64(b)(3) and (b)(4) and tables 40 and 41 to 50 CFR part 679 establish formulas for setting AFA CV groundfish sideboard limits and halibut and crab PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002), Amendment 80 (72 FR 52668, September 14, 2007), and Amendment 122 (88 FR 53704, August

8, 2023). NMFS proposes to exempt AFA CVs from a yellowfin sole sideboard limit pursuant to § 679.64(b)(6) because the proposed 2026 and 2027 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Section 679.20(d)(1)(iv)(D) and table 55 to 50 CFR part 679 prohibit non-exempt AFA CVs from directed fishing for a majority of the groundfish species or species groups subject to sideboard

limits. The only remaining sideboard limit for non-exempt AFA CVs is for Pacific cod. Pursuant to amendment 122 to the FMP, the Pacific cod sideboard limit is no longer necessary in the A and B seasons because directed fishing in the BSAI for Pacific cod by trawl CVs is now managed under the PCTC Program, and accordingly the sideboard limit is in effect in the C season only (§ 679.64(b)(3)(ii)). Table 14 lists the proposed 2026 and 2027 AFA CV Pacific cod sideboard limits.

Table 14—Proposed 2026 and 2027 BSAI Pacific Cod Sideboard Limits for American Fisheries Act**Catcher Vessels (CVs)**

Fishery	Ratio of 1997 AFA CV catch to TAC	2026 and 2027 initial TAC for C season	2026 and 2027 AFA catcher vessel sideboard limits
BSAI	n/a	n/a	n/a
Trawl gear CV	n/a	n/a	n/a
C Season Jun 10-Nov 1	0.8609	3,893	3,351

Note: Seasonal or sector apportionments may not total precisely due to rounding.

As proposed, § 679.64(b)(6) would exempt AFA CVs from a yellowfin sole sideboard limit because the proposed 2026 and 2027 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Halibut and crab PSC limits listed in table 15 that are caught by AFA CVs

participating in any groundfish fishery other than pollock will accrue against

the 2026 and 2027 PSC sideboard limits for the AFA CVs. Sections

679.21(b)(4)(iii), (e)(3)(v), and (e)(7) authorize NMFS to close directed fishing for groundfish other than pollock for AFA CVs once a 2026 or 2027 PSC sideboard limit is reached.

Pursuant to § 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), halibut or crab PSC by AFA CVs while fishing for pollock will accrue against the PSC allowances annually specified for the pollock/Atka

mackerel/“other species” fishery categories, according to § 679.21(b)(1)(ii)(B) and (e)(3)(iv).
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Table 15—Proposed 2026 and 2027 American Fisheries Act Catcher Vessel Prohibited Species Catch

Sideboard Limits for the BSAI¹

PSC Species and area ¹	Target fishery category ²	AFA catcher vessel PSC sideboard limit ratio	Proposed 2026 and 2027 PSC limit after subtraction of PSQ reserves ³	Proposed 2026 and 2027 AFA catcher vessel PSC sideboard limit ³
Halibut	Pacific cod trawl	n/a	n/a	n/a
	Pacific cod hook-and-line or pot	n/a	n/a	2
	Yellowfin sole total	n/a	n/a	101
	Rock sole/flathead sole/Alaska plaice/other flatfish ⁴	n/a	n/a	228
	Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	n/a	n/a	0
	Rockfish	n/a	n/a	2
	Pollock/Atka mackerel/other species ⁵	n/a	n/a	5
Red king crab Zone 1	n/a	0.299	86,621	25,900
C. opilio COBLZ	n/a	0.168	11,475,050	1,927,808
C. bairdi Zone 1	n/a	0.330	875,140	288,796
C. bairdi Zone 2	n/a	0.186	2,652,210	493,311

Note: Seasonal or sector apportionments may not total precisely due to rounding.

¹Refer to § 679.2 for definitions of areas and zones.

²Target fishery categories are defined at § 679.21(b)(1)(ii)(B) and (e)(3)(iv).

³Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

⁴“Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

⁵ “Other species” for PSC monitoring includes skates, sharks, and octopuses.

BILLING CODE 3510–22–C

Classification

NMFS is issuing this proposed rule pursuant to section 305(d) of the Magnuson-Stevens Act. Through previous actions, the FMP and

regulations authorize NMFS to take this action under section 305(d) (see 50 CFR part 679). The NMFS Assistant Administrator has preliminarily determined that the proposed harvest specifications are consistent with the FMP, the Magnuson-Stevens Act, and

other applicable laws, subject to further review and consideration after public comment.

NMFS finds that a comment period of at least 15 days for this action provides a reasonable opportunity for public participation pursuant to

Administrative Procedure Act section 553(c) (5 U.S.C. 553(c)). Section 3.2.3.1.3 of the FMP notes the public review and comment period on the proposed harvest specifications will be at least 15 days. This year a shorter comment period is necessary to ensure the final harvest specifications publish no later than March 18, 2026, while providing the public with a meaningful opportunity for review and comment. The subject of this proposed rule—the annual harvest specifications—is based on the established harvest strategy and harvest control rules and tier system in the FMP. NMFS was unable to publish the proposed rule any earlier and afford a longer comment period due to the lapse in appropriations and resulting government shutdown. A prolonged comment period and subsequent potential delay in implementation of this action before the final 2025 and 2026 harvest specifications expire on March 18, 2026, would be contrary to public interest and could result in the closure of the BSAI groundfish fisheries until the final 2026 and 2027 harvest specifications are published.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order (E.O.) 12866 because it only implements annual catch limits in the BSAI. This action is not a regulatory action under E.O. 14192 because it is exempt from review under E.O. 12866.

NMFS prepared an EIS for the Alaska groundfish harvest specifications and alternative harvest strategies (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the ROD for the Final EIS. A SIR is being prepared for the final 2026 and 2027 harvest specifications to address the need to prepare a Supplemental EIS. Copies of the Final EIS, ROD, and annual SIRs for this action are available from NMFS (see **ADDRESSES**). The Final EIS analyzes the environmental, social, and economic consequences of alternative harvest strategies on resources in the action area. Based on the analysis in the Final EIS, NMFS concluded that the preferred alternative (Alternative 2) provides the best balance among relevant environmental, social, and economic considerations and allows for continued management of the groundfish fisheries based on the most recent, best scientific information.

Initial Regulatory Flexibility Analysis

This Initial Regulatory Flexibility Analysis (IRFA) was prepared for this proposed rule, as required by Section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 603), to describe the

economic impact this proposed rule, if adopted, would have on small entities. The IRFA describes the action; the reasons why this proposed rule is proposed; the objectives and legal basis for this proposed rule; the estimated number and description of directly regulated small entities to which this proposed rule would apply; the recordkeeping, reporting, and other compliance requirements of this proposed rule; and the relevant Federal rules that may duplicate, overlap, or conflict with this proposed rule. The IRFA also describes significant alternatives to this proposed rule that would accomplish the stated objectives of the Magnuson-Stevens Act, and any other applicable statutes, and that would minimize any significant economic impact of this proposed rule on small entities. The description of the proposed action, its purpose, and the legal basis are explained earlier in the preamble and are not repeated here.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System (NAICS) code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual gross receipts not in excess of \$11 million for all its affiliated operations worldwide. A shoreside and mothership processor primarily involved in seafood processing (NAICS code 311710) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual employment, counting all individuals employed on a full-time, part-time, or other basis, not in excess of 750 employees for all its affiliated operations worldwide.

Number and Description of Small Entities Regulated by This Proposed Rule

The entities directly regulated by the groundfish harvest specifications include: (a) entities operating vessels with groundfish Federal fisheries permits (FFPs) catching FMP groundfish in Federal waters (including those receiving direction allocations of groundfish); (b) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching FMP groundfish in the State-waters parallel fisheries; and (c) all entities operating vessels fishing for halibut that have

incidental catch of FMP groundfish (whether or not they have FFPs).

In 2024 (the most recent year of complete data), there were 92 individual CVs and 1 C/P with gross revenues less than or equal to \$11 million. The six CDQ groups are also considered small entities. This represents the potential suite of directly regulated small entities. The determination of entity size is based on vessel revenues and affiliated group revenues. This determination also includes an assessment of fisheries cooperative affiliations, although actual vessel ownership affiliations have not been completely established. However, the estimate of these 93 vessels may be an overstatement of the number of small entities because of the complexity of analyzing the links and affiliations across these vessels, particularly since many of them conduct operations in both Federal and State fisheries. This group of vessels had average gross revenues that varied by gear type. Average gross revenues for hook-and-line CVs, pot gear CVs, and trawl gear CVs are estimated to be \$0.73 million, \$1.47 million, and \$3.39 million, respectively. Average gross revenues for C/P entities are confidential. There are 3 AFA cooperative affiliated motherships that appear to fall under the 750 worker threshold and are therefore small entities. The average gross revenues for the AFA motherships are confidential because all three members are in a cooperative and have operated two of their three vessels in recent years.

Recordkeeping, Reporting, and Other Compliance Requirements and Relevant Federal Rules That May Duplicate, Overlap, or Conflict With Proposed Rule

This action would not impose recordkeeping and reporting requirements. This action would set TAC and PSC limits that NMFS utilizes for the management of the groundfish fishery in the BSAI. If a TAC limit or PSC limit has been or will be reached, NMFS can take action to prevent exceeding the specified limit. Entities operating in the BSAI must follow any inseason actions NMFS issues. The specific compliance requirements for entities operating in the BSAI are set by regulations that are separate from this action. This action does not duplicate, overlap, or conflict with any Federal rules.

Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities

The action under consideration is the proposed 2026 and 2027 harvest specifications, apportionments, and

prohibited species catch limits for the groundfish fishery of the BSAI. This action is necessary to establish harvest limits for groundfish during the 2026 and 2027 fishing years and is taken in accordance with the FMP recommended by the Council and approved by NMFS pursuant to the Magnuson-Stevens Act. The establishment of the proposed harvest specifications is governed by the Council and NMFS's harvest strategy for the catch of groundfish in the BSAI. Under the preferred harvest strategy, TACs are set to a level that falls within the range of ABCs recommended by the SSC through the harvest specifications process; the sum of the TACs must achieve the OY specified in the FMP and regulations. While the specific numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant.

The proposed TACs associated with the preferred harvest strategy are those recommended by the Council in October 2025. Proposed OFLs and ABCs for the species were based on recommendations prepared by the Council's Plan Team in September 2025 and reviewed by the Council's SSC in October 2025. The Council based its TAC recommendations on those of its AP, which were consistent with the SSC's OFL and ABC recommendations. The sum of all TACs remains within the OY for the BSAI consistent with § 679.20(a)(1)(i)(A). Because setting all TACs equal to ABCs would cause the sum of TACs to exceed an OY of 2 million mt, TACs for some species or species groups are lower than the ABCs recommended by the Plan Team and the SSC.

The proposed 2026 and 2027 OFLs and ABCs are based on the best available biological information,

including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods to calculate stock biomass. The proposed 2026 and 2027 TACs are based on the best available biological and socioeconomic information. The proposed 2026 and 2027 OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2024 SAFE report, which is the most recent, completed SAFE report.

Under this action, the proposed ABCs reflect harvest amounts that are less than the specified OFLs. The proposed TACs are within the range of proposed ABCs recommended by the SSC and do not exceed the biological limits recommended by the SSC (the ABCs and OFLs). For some species and species groups in the BSAI, the Council recommended, and NMFS proposes, proposed TACs equal to proposed ABCs, which is intended to maximize harvest opportunities in the BSAI.

However, NMFS cannot set TACs for all species in the BSAI equal to their ABCs due to the constraining OY limit of 2 million mt. For this reason, some proposed TACs are less than the proposed ABCs. The specific reductions were reviewed and recommended by the Council's AP, and the Council in turn adopted the AP's TAC recommendations in making its own recommendations for the proposed 2026 and 2027 TACs.

Based upon the best scientific data available, and in consideration of the objectives for this action, it appears that there are no significant alternatives to the proposed rule that have the potential to accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that have the potential to minimize any

significant adverse economic impact of the proposed rule on small entities. This action is economically beneficial to entities operating in the BSAI, including small entities. The action proposes TACs for commercially-valuable species in the BSAI and allows for the continued prosecution of the fishery, thereby creating the opportunity for fishery revenue. After public process during which the Council solicited input from stakeholders, the Council recommended the proposed harvest specifications, which NMFS determines would best accomplish the stated objectives articulated in the preamble for this proposed rule, and in applicable statutes, and would minimize to the extent practicable adverse economic impacts on the universe of directly regulated small entities.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Adverse impacts on marine mammals or endangered or threatened species resulting from fishing activities conducted under these harvest specifications are discussed in the Final EIS and its accompanying annual SIRs (see **ADDRESSES**).

Authority: 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L. 109–479.

Dated: December 12, 2025.

Samuel D. Rauch III,

*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2025–22995 Filed 12–15–25; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 90, No. 239

Tuesday, December 16, 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. AS25–14]

Appraisal Subcommittee Notice; Change of Address

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council

ACTION: Notice.

SUMMARY: The Appraisal Subcommittee of the Federal Financial Institutions Examination Council (ASC) is issuing this notice to announce that the agency is changing its mailing address.

DATES: The new mailing address in this notice is effective December 19, 2025.

ADDRESSES: The new mailing address is Appraisal Subcommittee of the Federal Financial Institutions Examination Council, 1717 K Street NW, Suite 900, Washington, DC 20006. This address will be used for receiving all mail correspondence and payments for National Registry invoices.

FOR FURTHER INFORMATION CONTACT: Natalie Lutz, Attorney Advisor, 202–792–1217, natalie@asc.gov, Appraisal Subcommittee, 1717 K Street NW, Suite 900, Washington, DC 20006. The above phone number is not a toll-free number. Persons with hearing or speech impairments may access these numbers by dialing 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Physical mail submitted to the ASC, including payments for National Registry invoices, is currently addressed to the agency at 1325 G Street NW, Suite 500, Washington, DC 20005. Effective December 19, 2025, any physical mail, including payments for National Registry invoices, sent to the ASC must be submitted to the new mailing address at: Appraisal Subcommittee of the Federal Financial Institutions Examination Council, 1717 K Street

NW, Suite 900, Washington, DC 20006. The ASC's phone number will stay the same at 202–289–2735, including the fax number of 202–289–4101.

Dated: December 12, 2025.

Natalie Lutz,

Attorney-Advisor.

[FR Doc. 2025–22936 Filed 12–15–25; 8:45 am]

BILLING CODE 6700–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–52–2025]

Foreign-Trade Zone (FTZ) 45, Notification of Proposed Production Activity; Nanoverse Technologies; (Semiconductor Production Equipment); Beaverton, Oregon

Nanoverse Technologies submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Beaverton, Oregon within FTZ 45. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on October 9, 2025.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished products include: laser scribing tool; metrology tool; metrology/laser tool; laser scribing tool sub-assemblies; and, metrology tool sub-assemblies (duty-free).

The proposed foreign-status materials/components include: green and ultraviolet lasers (50, 80, and 100 watts); equipment front end modules; transfer robots; coat/clean systems; water-cooled temperature-controlled precision air processors (HEPA filtration); water-cooled thermo-chillers; peripheral cabinets; line scan cameras; frame grabbers; objective lenses (achromat, plan achromat, fluorite, and apochromat, with magnifications from 0.5x–100x); stainless steel fabricated brackets, mounting plates, spacers,

substrates; cables and cable assemblies fitted with connectors, not used for telecommunications, under 1,000 volts (USB, RJ45 ethernet, coaxial, terminal, and circular connectors); unmounted lenses (plano convex, plano concave, cylindrical, and Fresnel); unmounted mirrors (concave, convex, spherical, parabolic, and elliptical mirrors); mounted mirrors for laser path direction; pellicle beam splitters and polarizers; granite slabs (8 inches thick); digital still image video cameras; resistance temperature detectors; aluminum fabricated mounting (plates, brackets, spacers); coax cable with LED green spotlight; printed circuit assemblies for semiconductor manufacturing equipment; lens tubes not containing optical elements but, mechanical parts designed to hold optics; solenoid valves; high precision flow regulators; mounted optical diffusers; precision positioning stages providing motion in X, Y and theta/ rotational axis; laser scan heads (2 axis galvanometer for laser positioning); enterprise rack servers (high performance computing systems); servo drives used to control servo motors; power supply unit for galvo drives (input 115V AC, output $\pm 40V$ DC); optical modulators; touch screen monitors; optical power meters that measure laser power; system on modules designed as a component for data processing machines; quick connect/disconnect couplings; wafer chuck; pneumatic actuators; motor steppers; and, pressure sensors (duty rate ranges from duty-free to 6.0%). The request indicates that certain materials/ components are subject to duties under section 1702(a)(1)(B) of the International Emergency Economic Powers Act (section 1702), section 232 of the Trade Expansion Act of 1962 (section 232), or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 1702, section 232, and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is January 26, 2026.

A copy of the notification will be available for public inspection in the

“Online FTZ Information System” section of the Board’s website.

For further information, contact Christopher Wedderburn at Chris.Wedderburn@trade.gov.

Dated: December 11, 2025.

Juanita Chen,

Acting Executive Secretary.

[FR Doc. 2025–22986 Filed 12–15–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 251211–0089]

Notice of the Opening of the Inclusions Window for the Section 232 Automobile Parts Tariff Inclusions Process

AGENCY: International Trade Administration, Office of Transportation and Machinery, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The Bureau of Industry and Security (BIS), working with the International Trade Administration (ITA) have established a process for including additional automobile parts within the scope of the duties authorized by the President under section 232 of the Trade Expansion Act of 1962. This notice opens the January 2026 inclusions window for submissions.

DATES: The inclusions window will open on January 1, 2026, and close at 11:59 p.m. ET on January 14, 2026.

ADDRESSES: Submissions for inclusions requests must be emailed to the automobile parts inclusion inbox at AutoInclusions@trade.gov.

FOR FURTHER INFORMATION CONTACT: For questions regarding this notice or the inclusions process overall, email AutoInclusions@trade.gov regarding automobile parts inclusion requests.

SUPPLEMENTARY INFORMATION: On March 26, 2025, the President issued Proclamation 10908, “Adjusting Imports of Automobiles and Automobile Parts Into the United States” (Automobile Proclamation). This proclamation imposed specified rates of duty on imports of automobiles and certain automobile parts.

The Automobile Proclamation also required the Secretary of Commerce to establish a process for including additional automobile parts within the scope of the duties established in the Automobile Proclamation. An interim final rule (IFR) published on September

17, 2025 (90 FR 44767) established a process for including additional automobile parts within the scope of the duties authorized by the President under section 232 of the Trade Expansion Act of 1962, as amended (Section 232). This IFR established recurring two-week windows each year for submissions of automobile parts in January, April, July, and October, beginning on the first of those months.

This notice announces the opening of the January 2026 inclusions window for submissions for automobile parts for two weeks starting on January 1, 2026, and closing at 11:59 p.m. ET on January 14, 2026. Requests must be submitted to the automobile parts inclusion inbox at AutoInclusions@trade.gov. Following the close of the submission window, accepted inclusion requests will be posted for a two-week public comment period on Docket ID ITA–2025–0039 on [Regulations.gov](https://www.regulations.gov). See the prior published IFR for details on the inclusions submission process.

Prior to submission, please ensure that automobile parts being submitted for consideration are not already within the scope of the duties imposed by the Automobile Proclamation. Furthermore, if a decision has not been made on a previously submitted inclusions request, please do not submit an additional request with the same automobile parts unless new pertinent information is available for consideration.

Dated: December 8, 2025.

Lev Krutz,

Deputy Assistant Secretary for Manufacturing, United States Department of Commerce.

[FR Doc. 2025–22845 Filed 12–15–25; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF385]

Fisheries of the Caribbean; Southeast Data, Assessment, and Review; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Southeast Data Assessment and Review 103 Data Scoping Webinar for Caribbean Application of Alternate Assessment Methods.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 103

assessment process of Alternate Assessment Methods will consist of a Development Workshop, a series of Application Webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 103 Data Scoping Webinar will be held from 1 p.m. until 3 p.m. EDT January 16, 2026.

ADDRESSES: *SEDAR address:* 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.
www.sedarweb.org.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: Emily.Ott@safmc.net.

SUPPLEMENTARY INFORMATION:

Meeting address: The SEDAR103 Data Scoping Webinar will be held via webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the National Marine Fisheries Service (NMFS) and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process, a multi-step method for determining the status of fish stocks in the Southeast Region SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. The process may include (1) a Data stage, and (2) an Assessment stage, and (3) a Review stage. The product of the Data stage is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment stage is a report which compiles and evaluates recommended model configurations that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks and projects future population conditions. The product of the Review Workshop is a Review Summary documenting panel opinions regarding the strengths and weaknesses of the products reviewed. Participants for SEDAR Workshops are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, Highly Migratory Species (HMS) Management Division, and Southeast Fisheries Science Center. Participants include

data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGO's); International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Data Scoping Webinar are as follows: Participants will discuss terms of reference and scope of work, along with assessment documents such as working papers and reference documents.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 12, 2025.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2025-22955 Filed 12-15-25; 8:45 am]

BILLING CODE 3510-22-P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2009-0073]

Agency Information Collection Activities; Extension of Collection; Comment Request; Virginia Graeme Baker Pool and Spa Safety Act Verification of Compliance Form

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of information collection; request for comment.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Consumer Product Safety Commission

(CPSC or Commission) requests comments on a proposed extension of approval of information collection regarding a form used to verify whether pools and spas are in compliance with the Virginia Graeme Baker Pool and Spa Safety Act. The Office of Management and Budget (OMB) previously approved the collection of information under control number 3041-0142. OMB's most recent extension of approval will expire on March 31, 2026. The Commission will consider all comments received in response to this notice before requesting an extension of this collection of information from OMB.

DATES: Submit comments on the collection of information by February 17, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CPSC-2009-0073, within 60 days of publication of this notice by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. The Commission typically does not accept comments submitted by email, except as described below.

Mail/hand delivery/courier/written submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail/hand delivery/courier to: Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504-7479.

Instructions: All submissions received must include the agency name and docket number for this notice. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to cpsc-os@cpsc.gov.

Docket: For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, insert docket

number CPSC-2009-0073 into the "Search" box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504-7791, or by email to: pra@cpsc.gov.

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Virginia Graeme Baker Pool and Spa Safety Act Verification of Compliance Form.

OMB Number: 3041-0142.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Public pools and spa facilities.

General Description of Collection: The CPSC administers and oversees compliance with the Virginia Graeme Baker Pool and Spa Safety Act (VGBA), 15 U.S.C. Ch. 106. The VGBA is designed to prevent the tragic and hidden hazard of drain entrapment and evisceration in public pools and spas. To achieve its purposes, the VGBA requires, among other things, each swimming pool and spa drain cover manufactured, distributed, or introduced into commerce meet specific requirements of the CPSC recognized performance standard, and that each public pool and spa be equipped with anti-entrapment devices or systems that comply with the recognized performance standard. 15 U.S.C. 8003; 16 CFR part 1450.

CPSC, directly or through State contracted employees, inspects and assesses public pools and spas for compliance. A compliance form is used to record observations and assessments of compliance. The VGBA Form is available for viewing at <https://www.regulations.gov> under docket number, CPSC-2009-0073, "Supporting and Related Material."

Estimated Number of Respondents: CPSC compliance staff estimates that 50 inspections are completed annually, based on a review of prior completed inspections.

Estimated Time per Response: CPSC estimates that three hours will be required to inspect a pool or spa facility.

Total Estimated Annual Burden: CPSC estimates that total annual burden hours are at most 150 (50 inspections × 3 hours per inspection).

Total Estimated Annual Cost to Respondents: CPSC estimates that hourly compensation for the time required for inspecting is \$76.45 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," June 2025, Table 4, total compensation

for management, professional, and related workers in private service-producing industries: Employer Costs for Employee Compensation News Release—2025 Q02 Results). Therefore, CPSC estimates the annual cost to be \$11,468 ($\$76.45 \times 150 = \$11,467.50$).

Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- whether the estimated burden of the proposed collection of information is accurate;
- whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2025–22984 Filed 12–15–25; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0041]

Agency Information Collection Activities; Extension of Collection; Comment Request; Publicly Available Consumer Product Safety Information Database

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of information collection; request for comment.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Consumer Product Safety Commission (CPSC or Commission) requests comments on a proposed extension of approval of information collection requirements associated with the Publicly Available Consumer Product

Safety Information Database. The Office of Management and Budget (OMB) previously approved the collection of information under control number 3041–0146. OMB's approval will expire on March 31, 2026. The Commission will consider all comments received in response to this notice before requesting an extension of this collection of information from OMB.

DATES: Submit comments on the collection of information by February 17, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2010–0041, within 60 days of publication of this notice by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. The Commission typically does not accept comments submitted by email, except as described below.

Mail/hand delivery/courier/written submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail/hand delivery/courier to: Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504–7479.

Instructions: All submissions received must include the agency name and docket number for this notice. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to cpsc-os@cpsc.gov.

Docket: For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, insert docket number CPSC–2010–0041.

FOR FURTHER INFORMATION CONTACT:

Cynthia Gillham, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504–7791, or by email to: pra@cpsc.gov.

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Publicly Available Consumer Product Safety Information Database.

OMB Number: 3041–0146.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Reports concerning the safety of consumer products can be submitted to the CPSC by consumers; local, state, or federal government agencies; health care professionals; child service providers; public safety entities; and others. A manufacturer or private labeler may submit a comment related to a report of harm.

General Description of Collection:

Section 212 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) amended the Consumer Product Safety Act (CPSA) to require CPSC to establish and maintain a publicly available, searchable database on the safety of consumer products, and other products or substances regulated by the agency. Section 6A of the CPSA requires the CPSC to collect reports of harm from the public for potential publication in a publicly available database, and to collect and publish comments from manufacturers about reports of harm.

In 2010, the Commission issued a final rule to establish a Publicly Available Consumer Product Safety Information Database (Database) with the effective date of January 10, 2011. 75 FR 76832 (Dec. 10, 2010). The final rule established provisions regarding submitting reports of harm; providing notice of reports of harm to manufacturers; publishing reports of harm and manufacturer comments in the Database; and dealing with confidential and materially inaccurate information.

The primary purpose of this information collection is to populate the publicly searchable Database of consumer product safety information. The Database information collection has four components: reports of harm, manufacturer comments, branding information, and the Small Batch Manufacturer Registry (SBMR).

Summary of Estimated Burden Hours:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN FOR REPORTS OF HARM

Collection type	Number of respdnts	Response frequency ¹	Total annual responses	Minutes per response	Total burden, in hours ²
Reports of Harm—submitted through website	6,632	1.15	7,607	12	1,521
Reports of Harm—submitted by phone	1,032	1.33	1,373	10	229
Reports of Harm—submitted by mail, email, fax	296	3.71	1,098	20	366
Total	7,960	.....	10,078	.....	2,116

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN FOR MANUFACTURER SUBMISSIONS

Collection type	Number of respdnts	Response frequency ¹	Total annual responses	Minutes per response	Total burden, in hours ²
Manufacturer Comments—submitted through website	543	4.45	2,418	117	4,715
Manufacturer Comments—submitted by mail, email, fax	115	1.44	166	147	407
Requests to Treat Information as Confidential—submitted through website	7	1.43	10	42	7
Requests to Treat Information as Confidential—submitted by mail, email, fax	0	N/A	0	72	0
Requests to Treat Information as Materially Inaccurate—submitted through website	109	1.50	164	165	451
Requests to Treat Information as Materially Inaccurate—submitted by mail, email, fax	22	1.23	27	195	88
Voluntary Brand Identification	513	1.00	513	10	86
Small Batch Manufacturer Identification	1,747	1.00	1,747	10	291
Total	3,056	.....	5,045	.....	6,045

Estimated Number of Respondents: Based on the data set forth in Tables 1 and 2, CPSC estimates 11,016 respondents (7,960 + 3,056). CPSC estimates that approximately 7,960 respondents will submit reports of harm. CPSC estimates that there are approximately 3,056 manufacturers who will provide responsive submissions.

Estimated Time per Response: As shown in Table 1, estimated time per response for reports of harm submitted through the website is 12 minutes, reports submitted by phone is 10 minutes, and reports submitted by mail, email or fax is 20 minutes. Table 2 shows the estimated time per response for the various kinds of manufacturer submissions expected: the estimated time per response for manufacturer comments through the website is 117 minutes; comments submitted by mail, email or fax is 147 minutes; requests to treat information as confidential submitted through the website is 42 minutes and those submitted by mail, email or fax is 72 minutes; requests to treat information as materially inaccurate through the website is 165 minutes and those submitted by mail, email or fax is 195 minutes; submissions of voluntary brand information is 10 minutes; and submissions of small batch

manufacturer identification is 10 minutes.

Total Estimated Annual Burden: Based on the data in Tables 1 and 2, CPSC estimates the annual burden to be 8,161 hours. This estimate is based on the estimated total estimated annual burdens for reports of harm (2,116 hours) and manufacturer submissions (6,045 hours).

Total Estimated Annual Cost to Respondents: Based on the data in Tables 1 and 2, the annual reporting cost is estimated to be \$566,351 (\$96,595 + \$469,757). This estimate is based on the estimated total figures for reports of harm and manufacturer submissions.

The estimated burden associated with submitting reports of harm based on the estimated total burden hours is \$96,595. The estimated costs for submitting reports of harm is based on the estimated total burden hours associated with reports of harm, 2,116 hours, multiplied by an estimated total compensation for all workers in private industry of \$45.65 per hour,³ which results in an estimated cost of \$96,595 (2,116 hours × \$45.65 per hour = \$96,595.40).

The estimated burden associated with manufacturer submissions is \$469,757.

The estimated costs for submitting reports of harm is based on the estimated total burden hours associated with reports of harm, 6,045 hours, multiplied by an estimated total compensation for a manager or professional in goods-producing industries of \$77.71 per hour,⁴ which results in an estimated cost of \$469,757 (6,045 hours × \$77.71 per hour = \$469,756.95).

Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- whether the estimated burden of the proposed collection of information is accurate;
- whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- whether the burden imposed by the collection of information could be

¹ Frequency of responses is calculated by dividing the number of responses by the number of respondents.

² Numbers have been rounded.

³ U.S. Department of Labor, Bureau of Labor Statistics, Table 4 of the Employer Costs for Employee Compensation (ECEC), Private Industry workers, by occupational group, June 2025 (data extracted on 11/20/2025 from: https://www.bls.gov/news.release/archives/eccec_09122025.htm).

⁴ U.S. Department of Labor, Bureau of Labor Statistics, Table 4 of the Employer Costs for Employee Compensation (ECEC), Private Industry workers, by occupational group, June 2025 (data extracted on 11/20/2025 from: https://www.bls.gov/news.release/archives/eccec_09122025.htm).

minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Alberta E. Mills,
Secretary, Consumer Product Safety
Commission.

[FR Doc. 2025–22970 Filed 12–15–25; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0804]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Counterintelligence and Security Agency (DCSA) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by February 17, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Department of Defense, Privacy, Civil Liberties, and Transparency Directorate, Office of the Director of Administration & Management, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal**

Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Counterintelligence and Security Agency, Stepheny Fanning, Quantico, VA 22134, Stepheny.L.Fanning.civ@mail.mil or 571–572–2456.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: FOCI Outside Director/Proxy Holder Nominee and Nominating Official Questionnaires; OMB Control Number 0705–0005.

Needs and Uses: The Foreign Ownership, Control, or Influence (FOCI) Outside Director/Proxy Holder Nominee and Nominating Official Questionnaires are essential for DCSA to effectively oversee companies operating under FOCI while performing United States Government contracts. This information allows DCSA to assess the qualifications and suitability of Outside Director/Proxy Holder(s) (OD/PH) nominees, ensuring they can mitigate foreign influence and protect sensitive government information. Data from nominating officials provides insight into the rationale behind the nomination, enabling DCSA to make informed decisions regarding OD/PH approvals and safeguard national security interests.

Affected Public: Individuals or households; Business or other for-profit.

Annual Burden Hours: 192.

Number of Respondents: 256.

Responses per Respondent: 1.

Annual Responses: 256.

Average Burden per Response: 45 minutes.

Frequency: On occasion.

Dated: December 12, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–22980 Filed 12–15–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0475]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by January 15, 2026.

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:

Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and Omb Number: Application for Correction of Military Records Under the Provisions of Title 10, U.S. Code, Section 1552; DD Form 149; OMB 0704–0003.

Type of Request: Revision.

Number of Respondents: 29,065.

Responses per Respondent: 1.

Annual Responses: 29,065.

Average Burden per Response: 1 hour.

Annual Burden Hours: 29,065 hours.

Needs and Uses: Under Title 10

United States Code (U.S.C.) section 1552, Active Duty and Reserve Component Service members, Coast Guard, former Service members, their lawful or legal representatives, spouses of former Service members on issues of Survivor Benefit Program benefits, and civilian employees with respect to military records other than those related to civilian employment, who believe they have suffered an error or injustice in their military records (hereafter referred to as Respondent), may apply to their respective Boards for Correction of Military/Naval Records (BCM/NR) for a correction of their military record. The information collected is needed to provide the BCM/NR the basic data to

process and act on the Respondent's request.

The Respondent applies to the respective BCM/NR, which uses the DD Form 149, "Application for Correction of Military Record under the Provisions of Title 10, U.S.C. section 1552," as the collection instrument. The form is formatted in both electronic and paper format with text or hand-written fillable entries. The information from the DD Form 149 is used by the respective BCM/NR in processing the Respondent's request pursuant to 10 U.S.C. 1552. The DD Form 149 was developed to standardize application to the BCM/NRs. This information is used to identify and secure the appropriate official military and medical records from the records storage facilities. Information on the form is also used to determine status, to allow the Respondent to designate counsel of choice, to identify the issues involved, and to determine if the request was filed within the three-year statute of limitations established by Congress (10 U.S.C. 1552).

The request is initiated by the respondent; therefore, there is no preemptory request or invitation sent to the Respondent associated with the information collection. The completed DD Form 149, collection instrument, is filed either online through email, through a secure portal or submitted via mail by the Respondent. The information collected from the DD Form 149 is used by the respective BCM/NR to determine if an error or injustice has occurred in an individual's military record and, if applicable, the BCM/NR will promulgate a correction based on error, injustice, or clemency.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginal Lucas.

Dated: December 12, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025-22976 Filed 12-15-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD-2025-OS-0805]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and

Sustainment (USD(A&S)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Logistics Agency (DLA) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by February 17, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Department of Defense, Privacy, Civil Liberties, and Transparency Directorate, Office of the Director of Administration & Management, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Logistics Agency, 74 Washington Ave., Battle Creek, MI, 49037, Charles West, 385-591-7788.

SUPPLEMENTARY INFORMATION:

Title: Associated Form; and *OMB Number:* Qualified Facility List Application Form; DLA Form 2507; OMB Control Number 0704-0650.

Needs and Uses: The information collected via the DLA Form 2507, "Application for Qualified Facility List (QFL)," is used to validate hazardous waste disposal facilities around the world. Prior to the United States (U.S.) Government sending hazardous waste to a disposal facility, the facility must undergo a vetting process to ensure they are properly permitted, insured, and operating within local, state, and/or national regulations. Respondents are companies that have entered into a contract with the U.S. Government to dispose of hazardous waste and hazardous material on behalf of the U.S. Government. The result of the review process is the disposal facility's addition to the QFL and authorized use by the disposal contractor. If the facility fails to meet the minimum standards established by DLA Disposition Services, the facility is rejected/disapproved and will not be added to the QFL.

Affected Public: Business or other for-profit.

Annual Burden Hours: 250.

Number of Respondents: 250.

Responses per Respondent: 1.

Annual Responses: 250.

Average Burden per Response: 60 minutes.

Frequency: As required.

Dated: December 12, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025-22979 Filed 12-15-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD-2025-OS-0476]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by January 15, 2026.

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:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for the Review of Discharge from the Armed Forces of the United States; DD Form 293; OMB 0704-0004.

Type of Request: Revision.

Number of Respondents: 4,835.

Responses per Respondent: 1.

Annual Responses: 4,835.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 2,418.

Frequency: On occasion.

Needs and Uses: Under Title 10 United States Code section 1553 and DoD Directive 1332.41, “Boards for the Correction of Military Records and Discharge Review Board (DRBs),” former service members who received an administrative discharge have the right to appeal the characterization or reason for separation provided they do so within 15 years from the date of separation. The DD Form 293, “Application for Review of Discharge or Separation from the Armed Forces of the United States,” is the form that allows former Service members to explain the reasons for the alleged inequity or impropriety, designate counsel of choice, and select the method of hearing desired.

The request is initiated by the Respondent; therefore, there is no preemptory request or invitation sent to the Respondent associated with the information collection. The completed DD Form 293 is filed either online through email, through a secure portal, or submitted via mail by the Respondent. The form is formatted in both electronic and paper format with text or hand-written fillable entries. The information collected is needed to provide the DRBs the basic data to process and act on the Respondent’s request.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent’s Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: December 12, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025-22977 Filed 12-15-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD-2025-OS-0540]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by January 15, 2026.

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:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Specific Authorization for Disclosure of Financial Information and Specific Authorization for Release of Behavioral Health and Related Medical Information; DCSA 343/344; OMB Control Number 0705-SARD.

Type of Request: New.

Number of Respondents: 3,563.

Responses per Respondent: 1.

Annual Responses: 3,563.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 297.

Needs and Uses: The Specific Authorization for Disclosure of Financial Information (DCSA 343) is a special consent form that will allow DCSA access to certain financial records which are not otherwise accessible because they are protected under the provisions of the Right to Financial

Privacy Act. The information collected on the DCSA 343 will be used to obtain specific financial information where there is evidence of financial concerns. The DCSA 343 will be used in background investigations to help establish facts required to determine whether the subject of the investigation should be adjudicated to be eligible for logical and physical access to Government facilities and systems; suitable or fit for Federal employment; fit to perform work on behalf of the Federal Government under a Government contract; eligible to hold a position that is sensitive for national security reasons; or eligible for access to classified information. The DCSA 343 is only used when information is unable to be obtained solely with the use of the Standard Form (SF) Authorization for Release of Information. The Specific Authorization for Release of Behavioral Health and Related Medical Information (DCSA 344) is a special consent form that will allow the DCSA access to certain restricted medical records which are not otherwise accessible because they are protected under the Health Insurance Portability and Accountability Act (HIPAA). The information collected on the DCSA 344 will be used to conduct a detailed medical interview and record review with the practitioner when the practitioner indicates on the SF Authorization for Medical Release of Medical Information Pursuant to the HIPAA that the subject of the investigation has a condition or treatment that could impair judgement, reliability, or trustworthiness; there is evidence of alcohol-related treatment or counseling; or there is evidence of drug-related treatment or counseling. The DCSA 344 will be used in background investigations to help establish facts required to determine whether the subject of the investigation should be adjudicated to be eligible for logical and physical access to Government facilities and systems; suitable or fit for Federal employment; fit to perform work on behalf of the Federal Government under a Government contract; eligible to hold a position that is sensitive for national security reasons; or eligible for access to classified information. DCSA’s use of these collections will be limited to background investigations, conducted under the authority of Executive Order 13467 as amended by Executive Order 13869, requiring a deeper review of an individual’s personal finances or sensitive medical information, strictly limited to the circumstances defined within and required by the Federal

Personnel Vetting Investigative Standards.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: December 12, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025-22978 Filed 12-15-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN-2025-HQ-0268]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Marine Corps Marathon Organization announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by February 17, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Department of Defense, Privacy, Civil Liberties, and Transparency Directorate, Office of the Director of Administration & Management, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket

number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Marine Corps Marathon, PO Box 188, Quantico, VA 22134, ATTN: Lieutenant Colonel Kenneth A. Tarr, or call 703-432-8132.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Marine Corps Marathon Satisfaction Survey; OMB Control Number 0712-MCMS.

Needs and Uses: The Marine Corps Marathon Office (MCMO) plans to conduct a voluntary customer satisfaction survey and economic impact study of its race participants. The purpose of this information collection is twofold: first, to gather feedback on the race experience to improve future events, and second, to measure the economic effects of the event on the local community.

The collection instrument will be an online survey consisting of 27 questions. It will be distributed via an email link to race participants following the Marine Corps Marathon. Questions will cover participant satisfaction with various event services (e.g., racecourse, medals, post-race festival) and their economic activities related to the race (e.g., length of stay, accommodations, and spending on food, transportation, and retail).

Information gathered will be used by the MCMO for internal improvements and to enhance its partnerships with local community stakeholders in Washington, DC and the surrounding areas by providing a clear understanding of the event's economic impact. All individual responses will be kept anonymous and confidential. The summary of results will be shared in a report submitted to MCMO, and the economic impact findings will be shared with local community partners.

Affected Public: Individuals or households.

Annual Burden Hours: 280.

Number of Respondents: 1,679.

Responses per Respondent: 1.

Annual Responses: 1,679.

Average Burden per Response: 10 minutes.

Frequency: Annually.

Dated: December 12, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025-22981 Filed 12-15-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26-38-000.

Applicants: Waterside Power, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Waterside Power, LLC.

Filed Date: 12/10/25.

Accession Number: 20251210-5285

Comment Date: 5 p.m. ET 12/31/25.

Docket Numbers: C26-39-000.

Applicants: KMC Thermo, LLC, Alpha Generation Brandywine, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of KMC Thermo, LLC, et al.

Filed Date: 12/10/25.

Accession Number: 20251210-5295.

Comment Date: 5 p.m. ET 1/26/26.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26-99-000.

Applicants: Murch Solar, LLC.

Description: Murch Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 12/11/25.

Accession Number: 20251211-5173.

Comment Date: 5 p.m. ET 1/1/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER25-3480-002.

Applicants: MATL LLP.

Description: Compliance filing: Compliance Filing ER25-3480 to be effective 12/19/2025.

Filed Date: 12/11/25.

Accession Number: 20251211-5055.

Comment Date: 5 p.m. ET 1/1/26.

Docket Numbers: ER26-136-001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment of Amended GIA, SA No. 7357; AG1-366 to be effective 12/14/2025.

Filed Date: 12/11/25.

Accession Number: 20251211–5189.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–560–001.
Applicants: Midcontinent Independent System Operator, Inc., WPPI Energy.

Description: Tariff Amendment: WPPI Energy submits tariff filing per 35.17(b): 2025–12–11_Amendment for WPPI Energy Request for Transmission Rate Incentives to be effective 1/20/2026.

Filed Date: 12/11/25.
Accession Number: 20251211–5167.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–649–000;
 ER26–648–000.

Applicants: Atlas Solar VI, LLC, Atlas Solar V, LLC.

Description: Supplement to 12/03/2025, Atlas Solar V, LLC, et al. tariff filing.

Filed Date: 12/10/25.
Accession Number: 20251210–5229.
Comment Date: 5 p.m. ET 12/31/25.
Docket Numbers: ER26–718–000.
Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: Revised Exhibits to Montana Intertie Agreement to be effective 12/10/2025.
Filed Date: 12/10/25.
Accession Number: 20251210–5266.
Comment Date: 5 p.m. ET 12/31/25.
Docket Numbers: ER26–721–000.
Applicants: Midcontinent Independent System Operator, Inc., Entergy Texas, Inc.

Description: § 205(d) Rate Filing: Entergy Texas, Inc. submits tariff filing per 35.13(a)(2)(iii): 2025–12–11_SA 4614 Entergy Texas-SHECO TIA to be effective 1/1/2026.
Filed Date: 12/11/25.
Accession Number: 20251211–5075.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–722–000.
Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of WMPA, SA No. 6310; Queue No. AG1–086 to be effective 10/20/2025.
Filed Date: 12/11/25.
Accession Number: 20251211–5079.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–723–000.
Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: 2025 Revised Added Facilities Rate for Rate Schedules to be effective 1/1/2026.
Filed Date: 12/11/25.
Accession Number: 20251211–5093.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–724–000.
Applicants: MEC Phase 1, LLC.

Description: § 205(d) Rate Filing: MEC Phase 1, LLC MBR Tariff to be effective 1/1/2026.

Filed Date: 12/11/25.
Accession Number: 20251211–5102.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–725–000.
Applicants: MEC Phase 2, LLC.
Description: § 205(d) Rate Filing: MEC Phase 2, LLC MBR Tariff to be effective 1/1/2026.

Filed Date: 12/11/25.
Accession Number: 20251211–5104.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–726–000.
Applicants: CHPE LLC.
Description: Champlain Hudson Power Express submits an Interconnection Asset Owners Agreement.

Filed Date: 12/9/25.
Accession Number: 20251209–5197.
Comment Date: 5 p.m. ET 12/30/25.
Docket Numbers: ER26–727–000.
Applicants: Puget Sound Energy, Inc.
Description: § 205(d) Rate Filing: Allocation Agreement (RS–9011) with BPA to be effective 12/12/2025.

Filed Date: 12/11/25.
Accession Number: 20251211–5116.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–728–000.
Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Rate Schedule No. 323—Sitgreaves Operating Agreement to be effective 11/26/2025.

Filed Date: 12/11/25.
Accession Number: 20251211–5154.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–729–000.
Applicants: Vaca Dixon BESS LLC.
Description: Initial Rate Filing: Baseline new to be effective 2/10/2026.

Filed Date: 12/11/25.
Accession Number: 20251211–5174.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–730–000.
Applicants: Arges BESS LLC.
Description: Initial Rate Filing: Baseline new to be effective 2/10/2026.

Filed Date: 12/11/25.
Accession Number: 20251211–5175.
Comment Date: 5 p.m. ET 1/1/26.
Docket Numbers: ER26–732–000.
Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 10 to be effective 2/10/2026.

Filed Date: 12/11/25.
Accession Number: 20251211–5180.
Comment Date: 5 p.m. ET 1/1/26.

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.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or OPP@ferc.gov.

Dated: December 11, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–22940 Filed 12–15–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–539–000]

Rockies Express Pipeline LLC; Cheyenne Connector, LLC; East Cheyenne Gas Storage, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the Critical Energy Reliability Link Project

On August 15, 2025, Rockies Express Pipeline LLC (REX), Cheyenne Connector, LLC (Cheyenne Connector), and East Cheyenne Gas Storage, LLC (East Cheyenne) (collectively the Applicants) filed an application in Docket No. CP25–539–000 requesting a Certificate of Public Convenience and Necessity pursuant to Sections 7(c) and 7(b) of the Natural Gas Act to construct, operate, and abandon certain natural gas pipeline facilities. The proposed project is known as the Critical Energy Reliability Link Project (Project) and would provide up to 100,000 dekatherms per day (Dth/d) of firm natural gas transportation service and 50,000 Dth/d of no-notice service to Colorado Springs Utilities in Colorado Springs, Colorado.

On August 29, 2025, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies

issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.¹ The EA will be issued for a 30-day comment period.

Schedule for Environmental Review

Issuance of EA—July 2, 2026

90-day Federal Authorization Decision

Deadline²—September 30, 2026

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

REX proposes to construct and operate in Weld, Adams, Arapahoe, Elbert, and El Paso counties, Colorado: approximately 160 miles of 24-inch-diameter natural gas pipeline, one new compressor station, and associated metering and appurtenant facilities. REX would also acquire, via a lease agreement, capacity on the Cheyenne Connector Pipeline (Cheyenne Connector Lease) and capacity on East Cheyenne's gas storage facilities (East Cheyenne Lease). Additionally, Cheyenne Connector and East Cheyenne propose to abandon by lease 250,000 Dth/d of existing unsubscribed transportation capacity to REX, pursuant to the Cheyenne Connector Lease; and abandon by lease 1,500,000 dekatherms of existing unsubscribed storage capacity to REX, pursuant to the East Cheyenne Lease.

Background

On October 10, 2025, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Critical Energy Reliability Link Project, and Notice of Public Scoping Sessions* (Notice of Scoping). The Notice of Scoping was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the Notice of Scoping, the Commission received comments from Colorado Parks and Wildlife Northeast Region, Arapahoe County of Emergency Management, Colorado Competitive Council, Colorado Real Estate Alliance, Rocky Mountain Farmers Union, Building Jobs4Colorado, and three landowners. The primary issues raised by the commenters relate to high priority habitats; threatened and endangered species; noxious weeds; impacts on aquifers; restoration of areas disturbed by the Project; facility lighting impacts; landscape (including grassland and soils) disturbances within Elbert County; impacts on rural communities; and general support for the project. All substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

Additional information about the Project is available from the FERC website (www.ferc.gov). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (*i.e.*, CP25-539), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

(Authority: 18 CFR 2.1)

Dated: December 11, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-22942 Filed 12-15-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4644-017]

GR Catalyst Two, LLC; Notice of Revised Procedural Schedule

Take notice that the schedule for processing the Dahowa Hydroelectric Project No. 4644 final license application has been updated. Subsequent revisions to the schedule may be made as appropriate.

Milestone	Target date
Issue Acceptance Letter	June 2026.
Issue Scoping Notice for comments	July 2026.
Issue Notice of Ready for Environmental Analysis	August 2026.

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1765365565.

² The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for

proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

(Authority: 18 CFR 2.1)
Dated: December 11, 2025.
Carlos D. Clay,
Deputy Secretary.
[FR Doc. 2025–22943 Filed 12–15–25; 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: PR26–20–000.
Applicants: Rocky Mountain Natural Gas LLC.
Description: § 284.123 Rate Filing: Rocky Mountain Natural Gas SOC Reflecting RAM change to be effective 1/1/2026.
Filed Date: 12/10/25.
Accession Number: 20251210–5265.
Comment Date: 5 p.m. ET 12/31/25.
Docket Numbers: RP26–285–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2025–12–10 Negotiated Rate Agreement Amendment to be effective 1/1/2026.
Filed Date: 12/10/25.
Accession Number: 20251210–5255.
Comment Date: 5 p.m. ET 12/22/25.
Docket Numbers: RP26–286–000.
Applicants: PPG Shawville Pipeline, LLC.
Description: § 4(d) Rate Filing: Normal filing 2026 to be effective 1/1/2026.

Filed Date: 12/10/25.
Accession Number: 20251210–5264.
Comment Date: 5 p.m. ET 12/22/25.
Docket Numbers: RP26–287–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement Updates and Administrative Change to be effective 12/10/2025.
Filed Date: 12/11/25.
Accession Number: 20251211–5003.
Comment Date: 5 p.m. ET 12/23/25.
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. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or OPP@ferc.gov.

Dated: December 11, 2025.
Carlos D. Clay,
Deputy Secretary.
[FR Doc. 2025–22941 Filed 12–15–25; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY
**Federal Energy Regulatory
Commission**

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.
DATE AND TIME: December 18, 2025, 10:00 a.m.
PLACE: Room 2C, 888 First Street NE, Washington, DC 20426. Open to the public.
STATUS: Open.
MATTERS TO BE CONSIDERED: Agenda.
* *Note*—Items listed on the agenda may be deleted without further notice.
CONTACT PERSON FOR MORE INFORMATION: Debbie-Anne A. Reese, Secretary, Telephone (202) 502–8400.
For a recorded message listing items Stricken from or added to the meeting, call (202) 502–8627.
This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed online at the Commission’s website at <https://elibrary.ferc.gov/eLibrary/search> using the eLibrary link.

1131ST—MEETING

[Open; December 18, 2025; 10:00 a.m.]

Item No.	Docket No.	Company
Administrative		
A–1	AD26–1–000	Agency Administrative Matters.
A–2	AD26–2–000	Customer Matters, Reliability, Security and Market Operations.
Electric		
E–1	EL25–49–000	PJM Interconnection, L.L.C.

1131ST—MEETING—Continued

[Open; December 18, 2025; 10:00 a.m.]

Item No.	Docket No.	Company
	EL25-49-001	Allegheny Electric Cooperative, Inc., American Transmission Systems, Incorporated, Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., East Kentucky Power Cooperative, Inc., Essential Power Rock Springs, LLC, Hudson Transmission Partners, LLC, Jersey Central Power & Light Company, Mid-Atlantic Interstate Transmission, LLC, Neptune Regional Transmission System, LLC, Old Dominion Electric Cooperative, PECO Energy Company, PPL Electric Utilities Corporation, Potomac Electric Power Company, Public Service Electric and Gas Company, Rockland Electric Company, Trans-Allegheny Interstate Line Company, Transource West Virginia, LLC, UGI Utilities, Inc., Monongahela Power Company, The Potomac Edison Company, Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc., The Dayton Power and Light Company, AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, Inc., AEP Kentucky Transmission Company, Inc., AEP Ohio Transmission Company, Inc., AEP West Virginia Transmission Company, Inc., Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, Duquesne Light Company, Virginia Electric and Power Company, Linden VFT, LLC, City of Cleveland, Department of Public Utilities, Division of Cleveland Public Power, City of Hamilton, OH, Southern Maryland Electric Cooperative, Inc., Ohio Valley Electric Corporation, AMP Transmission, LLC, Silver Run Electric, LLC, NextEra Energy Transmission MidAtlantic Indiana, Inc., Wabash Valley Power Association, Inc. and Keystone Appalachian Transmission Company.
	AD24-11-000	Large Loads Co-Located at Generating Facilities.
	EL25-20-000	<i>Constellation Energy Generation, LLC v. (Consolidated) PJM Interconnection, L.L.C.</i>
E-2	ER26-173-000	Daylight II, LLC.
	ER26-174-000	Daylight II-A, LLC.
	ER26-175-000	Daylight III, LLC.
	ER26-176-000	EdSan MV Holding Company C, LLC.
E-3	ER11-2508-028	GenOn Energy Management, LLC.
	ER19-1865-002	Blossburg Power, LLC.
	ER19-2142-003	Brunot Island Power, LLC.
	ER21-573-003	Chalk Point Power, LLC.
	ER20-1887-002	Chalk Point Steam, LLC.
	ER21-574-003	Dickerson Power, LLC.
	ER19-1411-002	GenOn Bowline, LLC.
	ER19-1415-004	GenOn California South, LP.
	ER19-1417-003	GenOn Power Midwest, LP.
	ER19-1414-004	GenOn REMA, LLC.
	ER19-2143-003	Gilbert Power, LLC.
	ER19-1866-002	Hamilton Power, LLC.
	ER19-2148-004	Heritage Power Marketing, LLC.
	ER19-1867-002	Hunterstown Power, LLC.
	ER21-568-001	Lanyard Power Holdings, LLC.
	ER21-575-003	Lanyard Power Marketing, LLC.
	ER21-577-003	Morgantown Power, LLC.
	ER21-578-003	Morgantown Station, LLC.
	ER19-2147-003	Mountain Power, LLC.
	ER19-2141-003	New Castle Power, LLC.
	ER19-1868-002	Niles Power, LLC.
	ER19-1869-002	Orrtanna Power, LLC.
	ER19-2145-003	Portland Power, LLC.
	ER19-2144-003	Sayreville Power, LLC.
	ER19-1870-002	Shawnee Power, LLC.
	ER19-2140-003	Shawville Power, LLC.
	ER19-1871-002	Titus Power, LLC.
	ER19-1872-002	Tolna Power, LLC.
	ER19-2146-003	Warren Generation, LLC.
E-4	ER26-427-000	Ratts 2 Solar LLC.
E-5	EL24-96-000	<i>Sierra Club; Natural Resources Defense Council, Inc.; and Sustainable FERC Project v. Southwest Power Pool, Inc.</i>
E-6	ER10-2126-008, ER10-2126-009, EL24-62-000, EL25-14-000.	Idaho Power Company.
E-7	ER10-2895-024	Bear Swamp Power Company LLC.
	ER14-1964-015	BIF II Safe Harbor Holdings, LLC.
	ER16-287-010	BIF III Holtwood LLC.
	ER12-161-026	Bishop Hill Energy LLC.
	ER20-2028-001	Bitter Ridge Wind Farm, LLC.
	ER13-2143-017	Black Bear Development Holdings, LLC.
	ER10-3167-017	Black Bear Hydro Partners, LLC.
	ER13-203-016	Black Bear SO, LLC.

1131ST—MEETING—Continued
 [Open; December 18, 2025; 10:00 a.m.]

Item No.	Docket No.	Company
E-8	ER12-2068-021	Blue Sky East, LLC.
	ER17-482-009	BREG Aggregator LLC.
	ER19-1074-009	Brookfield Energy Marketing Inc.
	ER10-1427-003	Brookfield Energy Marketing LP.
	ER20-1447-005	Brookfield Energy Marketing US LLC.
	ER10-2917-024	Brookfield Power Piney & Deep Creek LLC.
	ER19-1075-009	Brookfield Renewable Energy Marketing US LLC.
	ER19-529-009	Brookfield Renewable Trading and Marketing LP.
	ER13-1613-017	Brookfield White Pine Hydro LLC.
	ER10-2460-022	Canandaigua Power Partners, LLC.
	ER10-2461-023	Canandaigua Power Partners II, LLC.
	ER10-2918-025	Carr Street Generating Station, L.P.
	ER10-2920-025	Erie Boulevard Hydropower, L.P.
	ER12-682-023	Erie Wind, LLC.
	ER10-2463-021	Evergreen Wind Power, LLC.
	ER11-2201-027	Evergreen Wind Power III, LLC.
	ER22-192-003	Evolugen Trading and Marketing LP.
	ER10-2921-024	Great Lakes Hydro America, LLC.
	ER10-2922-024	Hawks Nest Hydro LLC.
	ER13-17-021	Niagara Wind Power, LLC.
	ER10-2966-024	Rumford Falls Hydro LLC.
	ER11-2383-020	Safe Harbor Water Power Corporation.
	ER12-1311-021	Stetson Holdings, LLC.
	ER10-2466-022	Stetson Wind II, LLC.
	ER22-1010-002	TerraForm IWG Acquisition Holdings II, LLC.
	ER11-4029-021	Vermont Wind, LLC.
	ER10-3058-005	Pinelawn Power, LLC.
	ER10-3066-005	Edgewood Energy, LLC.
	ER22-296-002	Jackson Generation, LLC.
	ER10-3059-005	Equus Power I, L.P.
	ER10-3065-005	Shoreham Energy, LLC.
	ER10-2309-007	Elwood Energy LLC.
E-9	ER21-42-002	Tenaska Power Services Co.
E-10	ER21-57-003	Shell Energy North America (US), L.P.
Gas		
G-1	IS25-634-001	Epping Transmission Company, LLC.
G-2	PR25-53-001	Northern Indiana Public Service Company.
G-3	PR25-52-001	Consumers Energy Company.
G-4	PR25-11-002, PR25-11-001, PR25-11-000.	Matterhorn Express Pipeline, LLC.
G-5	OR25-2-000	Antero Resources Corporation.
Hydro		
H-1	P-2246-104	Yuba County Water Agency Village.
H-2	P-2561-057	Sho-Me Power Electric Cooperative.
Certificates		
C-1	CP25-205-000	Golden Pass LNG Terminal LLC.
C-2	CP26-6-000	West Texas Gas Utility, LLC and Texas Pipeline Exports, LLC
C-3	CP26-7-000	West Texas Gas Utility, LLC and Texas Pipeline Exports, LLC.
C-4	CP26-8-000	West Texas Gas Utility, LLC and Texas Pipeline Exports, LLC.
C-5	CP25-60-000	Mountain Valley Pipeline, LLC.

A free webcast of this event is available through the Commission's website. Anyone with internet access who desires to view this event can do so by navigating to www.ferc.gov's Calendar of Events and locating this event in the Calendar. The Federal Energy Regulatory Commission provides technical support for the free webcasts. Please call (202) 502-8680 or email

customer@ferc.gov if you have any questions.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission

meetings may now be viewed remotely at Commission headquarters but will not be telecast.

Dated: December 11, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-22956 Filed 12-12-25; 11:15 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2025-0026; FRL-12472-10-OCSPP]

Pesticide Product Registration; Receipt of Applications for New Uses (October 2025)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency's receipt of and solicits comment on applications to register new pesticide products containing currently registered active ingredients that would entail a change in use pattern. The Agency is providing this notice in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA uses the month and year in the title to identify when the Agency complied the applications identified in this notice of receipt. Unit II. of this document identifies certain applications received in 2025 that are currently being evaluated by EPA, along with information about each application, including when it was received, who submitted the application, and the purpose of the application.

DATES: Comments must be received on or before January 15, 2026.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the *EPA File Symbol* or the *EPA Registration Number* of interest as shown in Unit II. of this document, 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: Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows:

- RD (Registration Division) (Mail Code 7505T); Charles Smith; main telephone number: (202) 566-1030; email address: RDfRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Executive Summary***A. Does this action apply to me?*

This action provides information that is directed to the public in general.

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

EPA is taking this action pursuant to section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(4), and 40 CFR 152.102.

C. What action is the Agency taking?

EPA is hereby providing notice of receipt and opportunity to comment on applications to register new pesticide products containing currently registered active ingredients that would entail a change in use pattern. EPA provides a notice of receipt on a monthly basis, using the month and year in the title to help distinguish one document from the other. This document identifies the applications that were received since the last notice that was issued and are currently being evaluated by EPA in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (<https://www.epa.gov/registration/public-participation-process-registration-actions>).

D. What should I consider as I prepare my comments for EPA?

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. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

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. Applications To Register New Uses

This unit provides the following information about each application received: The EPA File Symbol or Registration number(s); EPA docket ID number for the application; Name and address of the applicant; Name of the active ingredient, product type and proposed uses; and the division to contact for that application. Additional information about the application may also be available in the docket for the application as identified in this unit.

- *EPA Registration Numbers:* 7969-390 (Inscalis Technical Insecticide) and 7969-391 (Sefina Insecticide). *Docket ID Number:* EPA-HQ-OPP-2025-2565. *Applicant:* BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. *Active Ingredient:* Afidopyropen. *Product type:* Insecticide. *Proposed Use:* Amend (increase) the existing afidopyropen tolerance in or on orange, subgroup 10-10A from 0.15 ppm to 0.30 ppm, and increase the single application rates for orange, subgroup 10-10A & nut, tree, group 14-12. *Date of receipt:* August 1, 2025. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: December 4, 2025.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2025-22932 Filed 12-15-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2025-0024; FRL-12473-10-OCSPP]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients October 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency's receipt of and solicits comment on applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. The Agency is providing this notice in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA uses the month and year in the title to identify when the Agency complied the applications identified in this notice of receipt. Unit II. of this document identifies certain applications received in 2024 and 2025 that are currently being evaluated by EPA, along with information about each application, including when it was

received, who submitted the application, and the purpose of the application.

DATES: Comments must be received on or before January 15, 2026.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the *EPA File Symbol* or the *EPA Registration Number* of interest as shown in Unit II. of this document, 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:

Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows:

- BPPD (Biopesticides and Pollution Prevention Division) (Mail Code 7511M); Shannon Borges; main telephone number: (202) 566–1400; email address: BPPDFRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

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

EPA is taking this action pursuant to section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(4), and 40 CFR 152.102.

C. What action is the Agency taking?

EPA is hereby providing notice of receipt and opportunity to comment on applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Notice of receipt of these applications does not imply a decision by the Agency on these applications. The applications identified in this document were received since the last notice that was issued and are currently being evaluated by EPA in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). For actions being evaluated under EPA's public participation process for registration actions, there will be an additional

opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (<https://www.epa.gov/registration/public-participation-process-registration-actions>).

D. What should I consider as I prepare my comments for EPA?

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. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/epa-dockets>.

II. Registration Applications Received

This unit provides the following information about the applications received: The EPA File Symbol or Registration number(s); EPA docket ID number for the application; Name and address of the applicant; Name of the active ingredient, product type and proposed uses; and the division to contact for that application. Additional information about the application may also be available in the docket for the application as identified in this unit.

- *File Symbol:* 89186–G. *Docket ID number:* EPA–HQ–OPP–2025–2566. *Applicant:* ConidioTec, LLC, 2610 Sleepy Hollow Drive, State College, PA 16803. *Product name:* Aprehend RTU. *Active ingredient:* Microbial Insecticide—*Beauveria bassiana* Strain I93–825 at 2%. *Proposed use:* For indoor use only for the control of bed bugs, bat bugs, and swallow bugs. *Date of Receipt:* May 30, 2024. *Contact:* BPPD.

- *File Symbol:* 100343–E. *Docket ID number:* EPA–HQ–OPP–2025–2400. *Receipt Date:* January 3, 2025. *Applicant:* Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606. *Product name:* Cuc-GUARD. *Active ingredient:* Viricide; Attenuated Cucumber Green Mottle Mosaic Virus Strain ON–BM3 at 0.00155%. *Proposed Use:* For control of Cucumber Green

Mottle Mosaic Virus on cucumber. *Date of Receipt:* January 3, 2025. *Contact:* BPPD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: December 4, 2025.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2025–22935 Filed 12–15–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings: Notice of Meeting To Be Held With Less Than Seven Days Advance Notice

TIME AND DATE: 10:00 a.m. on December 16, 2025.

PLACE: This Board meeting will be open to public observation by webcast. Visit <https://www.fdic.gov/news/board-matters/video.html> for a link to the webcast. Members of the media should contact the Office of Communications by Monday, December 15, at mediarequests@fdic.gov to attend in person. FDIC Board Members and staff will participate from FDIC Headquarters, 550 17th Street NW, Washington, DC.

Observers requiring auxiliary aids should email DisabilityProgram@fdic.gov to make necessary arrangements.

STATUS: Open to public observation via webcast.

MATTERS TO BE CONSIDERED: The Federal Deposit Insurance Corporation's (FDIC) Board of Directors will meet to consider the following matters:

Discussion Agenda

Proposed 2026 Operating Budget.
Interim Final Rule: Amendment to Special Assessment Collection.
Notice of Proposed Rulemaking: Approval Requirements for Issuance of Payment Stablecoins by Subsidiaries of FDIC-Supervised Insured Depository Institutions.

Summary Agenda

No substantive discussion of the following items is anticipated. The Board of Directors will resolve these matters with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

Final Rule: Establishment and Relocation of Branches and Offices.

Approval of the 2026–2030 FDIC Strategic Plan, as a Successor to the 2022–2026 FDIC Strategic Plan.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact

Debra A. Decker, Executive Secretary,
FDIC, at FDICBoardMatters@fdic.gov.

(Authority: 5 U.S.C. 552b)

Dated at Washington, DC, on December 12, 2025.

Federal Deposit Insurance Corporation.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2025–22933 Filed 12–12–25; 11:15 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at Secretary@fmc.gov, or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of the agreement are available through the Commission's website (www.fmc.gov) or by contacting the Office of General Counsel at (202)–523–5740 or GeneralCounsel@fmc.gov.

Agreement No.: 201460.

Agreement Name: WHL/ONE Vessel Sharing Agreement.

Parties: Ocean Network Express Pte. Ltd. (ONE); Wan Hai Lines Ltd. and Wan Hai Lines (Singapore) PTE Ltd. (acting as a single party).

Filing Party: Joshua Stein, Cozen O'Connor.

Synopsis: The Agreement authorizes the parties to operate a shared service for the eastbound and westbound transportation of cargo between China and the U.S. West Coast.

Proposed Effective Date: 12/11/2025.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/89635>.

Dated: December 12, 2025.

David Eng,

Secretary.

[FR Doc. 2025–22965 Filed 12–15–25; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

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 the BHC Act (12 U.S.C. 1842(c)).

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, Benjamin W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than January 15, 2026.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to Applications.Comments@atl.frb.org:

1. *Anthem Financial Corporation, Plaquemine, Louisiana*; to become a bank holding company by acquiring Anthem Bank & Trust, Plaquemine, Louisiana.

B. Federal Reserve Bank of Minneapolis (Mark Nagle, Assistant Vice President) 90 Hennepin Avenue,

Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to MA@mpls.frb.org:

1. *PSB Financial, Inc., Deer Lodge, Montana*; to become a bank holding company by acquiring Pioneer State Bank, Deer Lodge, Montana, upon the conversion of Pioneer Federal Savings & Loan Association from mutual to stock form.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–22972 Filed 12–15–25; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1875]

Regulation Q; Regulatory Capital Rule: Risk-Based Capital Surcharges for Global Systemically Important Bank Holding Companies

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice.

SUMMARY: The Board is providing notice of the 2025 aggregate global indicator amounts, as required under the Board's rule regarding risk-based capital surcharges for global systemically important bank holding companies.

DATES: December 16, 2025.

FOR FURTHER INFORMATION CONTACT: Juan Climent, Deputy Associate Director, (202) 872–7526, Brian Chernoff, Manager, (202) 731–8914, Alexander Jiron, Senior Financial Institution Policy Analyst II, (202) 450–7350, or Aakash Jani, Senior Financial Institution Policy Analyst I, (202) 941–8305, Division of Supervision and Regulation; or Jay Schwarz, Deputy Associate General Counsel, (202) 452–2970, Mark Buresh, Senior Special Counsel, (202) 499–0261, or Jonah Kind, Senior Counsel, (202) 309–5287, Legal Division. Board of Governors of the Federal Reserve System, 20th and C, NW, Washington, DC 20551. For the hearing impaired and users of Telecommunications Device for the Deaf (TDD) and TTY–TRS, please call 711 from any telephone, anywhere in the United States.

SUPPLEMENTARY INFORMATION: The Board's framework for determining risk-based capital surcharges for global systemically important bank holding companies (GSIB surcharge rule) establishes a methodology to identify global systemically important bank holding companies (GSIBs) in the United States based on indicators that are correlated with systemic

importance.¹ Under the GSIB surcharge rule, a firm must calculate its GSIB score using a specific formula (method 1). Method 1 uses five equally weighted categories that are correlated with systemic importance—size, interconnectedness, cross-jurisdictional activity, substitutability, and complexity—and subdivided into twelve systemic indicators.

A firm divides its own measure of each systemic indicator by an aggregate global indicator amount. A firm's method 1 score is the sum of its weighted systemic indicator scores expressed in basis points. A firm that calculates a method 1 score of 130 basis points or more is identified as a GSIB under the GSIB surcharge rule. The GSIB surcharge for a firm is the higher

of the GSIB surcharge determined under method 1 and a second method, method 2, which is calculated based on measures of size, interconnectedness, cross-jurisdictional activity, complexity, and the firm's reliance on short-term wholesale funding.²

The aggregate global indicator amounts used in the score calculation under method 1 are based on data collected by the Basel Committee on Banking Supervision (BCBS). The BCBS amounts are determined based on the sum of the systemic indicator amounts reported by the 75 largest U.S. and foreign banking organizations as measured by the BCBS, and any other banking organization that the BCBS includes in its sample total for that year. The BCBS publicly releases these

amounts, denominated in euros, each year.³ Pursuant to the GSIB surcharge rule, the Board publishes the aggregate global indicator amounts each year denominated in U.S. dollars using the euro-dollar exchange rate provided by the BCBS.⁴ Specifically, to determine the 2025 aggregate global indicator amounts, the Board used the year-end 2024 euro-denominated indicator amounts published by the BCBS and multiplied each of the euro-denominated indicator amounts by 1.0389, the euro to U.S. dollar spot exchange rate on December 31, 2024.⁵

The aggregate global indicator amounts expressed in U.S. dollars for purposes of the 2025 method 1 score calculation under § 217.404(b)(1)(i)(B) of the GSIB surcharge rule are:

AGGREGATE GLOBAL INDICATOR AMOUNTS IN U.S. DOLLARS (USD) FOR 2025

Category	Systemic indicator	Aggregate global indicator amount (in USD)
Size	Total exposures	115,610,567,459,028
Interconnectedness	Intra-financial system assets	11,744,530,471,538
	Intra-financial system liabilities	11,549,951,568,929
	Securities outstanding	20,989,667,733,564
Substitutability	Payments activity	3,583,068,096,731,293
	Assets under custody	236,728,086,197,216
	Underwritten transactions in debt and equity markets	9,458,987,280,583
Complexity	Notional amount of over-the-counter (OTC) derivatives	743,719,670,668,380
	Trading and available-for-sale (AFS) securities	4,617,580,286,026
	Level 3 assets	785,843,290,915
Cross-jurisdictional activity	Cross-jurisdictional claims	27,556,319,815,579
	Cross-jurisdictional liabilities	22,625,378,519,775

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p–l, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371, 5371 note, and sec. 4012, Pub. L. 116–136, 134 Stat. 281.

By order of the Board of Governors of the Federal Reserve System, acting through the Acting Director of Supervision and Regulation under delegated authority.

Benjamin W. McDonough,

Deputy Secretary of the Board.

[FR Doc. 2025–22964 Filed 12–15–25; 8:45 am]

BILLING CODE 6210–01–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

¹ See 12 CFR 217.402, 217.404.

² Method 2 uses similar inputs to those used in method 1 but replaces the substitutability category with a measure of a firm's use of short-term wholesale funding. See 12 CFR 217.405.

³ The data used by the Board are available on the BCBS website at <https://www.bis.org/bcbs/gsib/denominators.htm>.

⁴ 12 CFR 217.404(b)(1)(i)(B); see also 80 FR 49082, 49086–87 (August 14, 2015). In addition, the Board maintains the GSIB Framework Denominators on its

website, available at <https://www.federalreserve.gov/supervisionreg/basel/denominators.htm>.

⁵ Foreign exchange rates provided by the BCBS. Available at https://www.bis.org/bcbs/gsib/reporting_instructions.htm.

the Board of Governors, Benjamin W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than December 31, 2025.

A. 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. *Sarah M. Stratman, as general partner of The Henderson Family Limited Partnership, both of Argyle, Missouri; and the Wenger Revocable Family Trust, Sue Wenger and Michael Wenger as trustees, all of Mulvane, Kansas;* to join the Henderson Family Control Group, a group acting in concert, to retain voting shares of Maries County Bancorp, Inc., and thereby indirectly retain voting shares of The Maries County Bank, both of Vienna, Missouri.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–22971 Filed 12–15–25; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–855I]

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 February 17, 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:* Medicare Enrollment Application for Physician and Non-Physician Practitioners; *Use:* The Social Security Act (Act) requires providers and suppliers to furnish information concerning the amounts due and the identification of individuals or entities that furnish medical services to beneficiaries before allowing payment. The primary function of the CMS–855I Medicare enrollment application for physicians and non-physician practitioners is to gather information from an individual provider or supplier that tells us who he/she is, whether he/she meets certain qualifications to be a Medicare health care provider or supplier, where he/she practices or renders services, and other information necessary to establish correct claims payments.

The collection and verification of this information is the first line defense to defend and protect our beneficiaries from illegitimate physicians, non-physician practitioners, and other eligible professionals and to protect the Medicare Trust Fund against fraud. It gathers information that allow Medicare contractors to ensure only legitimate physicians, non-physician practitioners, and other eligible professionals enroll in the Medicare program, and are not sanctioned from the Medicare and/or Medicaid program(s), or debarred, or excluded from any other Federal agency or program. This is the sole instrument implemented for this purpose. *Form Number:* CMS–855I (OMB control number 0938–1355); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments, Private Sector (not-for-profit institutions); *Number of Respondents:* 813,975; *Number of Responses:* 813,975; *Total Annual Hours:* 1,364,716. (For policy questions regarding this collection contact Frank Whelan at 410–786–1302).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025–22975 Filed 12–15–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10718 and CMS–10824]

Agency Information Collection Activities: Submission for OMB Review; 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 a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate 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 on the collection(s) of information must be received by the OMB desk officer by January 15, 2026.

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.

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 Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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 (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-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 that summarizes the following proposed collection(s) of information for public comment.

1. *Type of Information Collection Request:* Revision with change of a currently approved collection; *Title of Information Collection:* Model Medicare Advantage and Medicare Prescription Drug Plan Individual Enrollment Request Form; *Use:* The enrollment form is considered a "model" under Medicare regulations at §§ 422.2267 and 423.2267, for purposes of communication and marketing review and approval; therefore, MA and Part D plans are able to modify the language, format, or order of the enrollment form. The model enrollment form includes the minimal amount of information to process the enrollment, located in Section 1 of the MA/PDP enrollment form, and other limited information, in Section 2, that the sponsor is required (*i.e.* accessible format preference) or chooses (*i.e.* premium payment information) to provide to the beneficiary. The optional data elements, which aids the MA and Part D plan in processing the enrollment, is developed for efficiency for the plan. Plan sponsors can obtain information at the initial point of contact to help streamline the beneficiary's enrollment process. The optional questions include information specific to the plan's business needs that serves to reduce overall burden and allow for timely processing of an enrollment request. All data elements in Section 2 are optional for the beneficiary to complete. Plan enrollment will not be affected if the beneficiary does not complete this additional information. *Form Number:*

CMS–10718 (OMB control number 0938–1378); *Frequency:* Occasionally; *Affected Public:* Individuals and Households, Private sector and Business or other for-profits; *Number of Respondents:* 24,464,437; *Number of Responses:* 49,917,959; *Total Annual Hours:* 12,240,174. (For questions regarding this collection, contact: AnhViet Nguyen at (667) 290–9745 or anhviet.nguyen@cms.hhs.gov).

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Annual Notice of Change and Evidence of Coverage for Applicable Integrated Plans in States that Require Integrated Materials; *Use:* CMS requires MA organizations and Part D sponsors to use the standardized documents being submitted for OMB approval to satisfy disclosure requirements mandated by section 1851(d)(3)(A) of the Act and § 422.111 for MA organizations and section 1860D–1(c) of the Act and § 423.128(a)(3) for Part D sponsors. The regulatory provisions at §§ 422.111(b) and 423.128(b) require MA organizations and Part D sponsors to disclose plan information, including: service area, benefits, access, grievance and appeals procedures, and quality improvement/assurance requirements. MA organizations and sponsors may send the ANOC separately from the EOC but must send the ANOC for enrollee receipt by September 30. The required due date for the EOC is 15 days prior to the start of the AEP.

This information collection maintains standardized EOC and ANOC models for Dual Eligible Special Needs Plan (D–SNP) applicable integrated plans (AIPs), as defined at § 422.561, in certain States that chose to require that plans issue an integrated EOC and ANOC that covers the Medicare and Medicaid benefits. The models reflect revisions to the D–SNP models under CMS–10260 to include information on Medicaid benefits that State Medicaid agencies can customize. *Form Number:* CMS–10824 (OMB control number: 0938–1444); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for profits; *Number of Respondents:* 109; *Total Annual Responses:* 109; *Total Annual Hours:* 1,308. (For policy questions regarding this collection contact Julie Jones at 312–353–9850 or Julie.Jones@cms.hhs.gov.)

William N. Parham, III,
Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025–22974 Filed 12–15–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2021-D-0368]

Investigator Responsibilities—Safety Reporting for Investigational Drugs and Devices; Guidance for Investigators, Industry, and Institutional Review Boards; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the availability of a final guidance for investigators, industry, and institutional review boards (IRBs) entitled “Investigator Responsibilities—Safety Reporting for Investigational Drugs and Devices.” The guidance is intended to help clinical investigators comply with the safety reporting requirements for investigational new drug application (IND) studies and investigational device exemption (IDE) studies. As such, recommendations are provided in this guidance to help investigators identify safety information that needs to be reported to sponsors and IRBs. This guidance finalizes the draft guidance of the same title issued on September 30, 2021.

DATES: The announcement of the guidance is published in the **Federal Register** on December 16, 2025.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2021-D-0368 for “Investigator Responsibilities—Safety Reporting for Investigational Drugs and Devices.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access

the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 800-835-4709 or 240-402-8010, industry.biologics@fda.hhs.gov. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Juanita Marner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-2500, cderomp@fda.hhs.gov; Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240-402-7911; or Soma Kalb, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G318, Silver Spring, MD 20993-0002, 301-796-6359.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for investigators, industry, and IRBs entitled “Investigator Responsibilities—Safety Reporting for Investigational Drugs and Devices.” This guidance is intended to help clinical investigators comply with the safety reporting requirements for IND studies under 21 CFR 312.64(b) and 21 CFR 312.66 and for IDE studies under 21 CFR 812.150. This guidance also provides relevant information for persons reporting serious adverse events (SAEs) for bioavailability (BA) and

bioequivalence (BE) studies that meet conditions for IND-exemption under 21 CFR 320.31(d)(3) (IND-exempt BA/BE studies).

In January 2009, FDA issued the final guidance entitled “Adverse Event Reporting to IRBs—Improving Human Subject Protection” (the 2009 procedural final guidance). In the **Federal Register** of September 29, 2010 (75 FR 59935), FDA published a final rule amending the IND safety reporting requirements under 21 CFR 312.32 and adding safety reporting requirements for persons conducting BA and BE studies under § 320.31(d). Subsequently, in December 2012, FDA issued the final guidance entitled “Safety Reporting Requirements for INDs and BA/BE Studies” (the 2012 final guidance) to help sponsors and investigators comply with safety reporting requirements for INDs and for IND-exempt BA/BE studies.

To further improve the overall quality of safety reporting, this guidance builds upon the concepts in FDA’s previously published guidance documents and provides additional recommendations. This guidance provides information on safety reporting requirements for investigators of investigational drugs and investigational devices.

Elsewhere in this issue of the **Federal Register**, FDA also is announcing the availability of a guidance entitled “Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for IND and Bioavailability/Bioequivalence Studies.” These two guidances being announced replace the 2012 final guidance and the 2009 procedural final guidance. Accordingly, FDA is withdrawing the 2012 final guidance and the 2009 procedural final guidance at this time.

This guidance finalizes the draft guidance of the same title issued on September 30, 2021 (86 FR 54208). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft guidance to the final guidance include editorial changes for clarity, based on public comments.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “Investigator Responsibilities—Safety Reporting for Investigational Drugs and Devices.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

FDA considered the applicability of Executive Order 14192, per Office of Management and Budget (OMB) guidance in M–25–20, and finds this action to be deregulatory in nature.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 50 and part 56 pertaining to the protection of human subjects and IRBs, respectively, have been approved under OMB control number 0910–0130. The collections of information in 21 CFR part 312 pertaining to the content and format of IND applications and the collections of information in § 320.31 pertaining to IND-exempt BA and BE studies have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 812 pertaining to IDEs have been approved under OMB control number 0910–0078.

III. Electronic Access

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, <https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Lowell M. Zeta,

Acting Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–22869 Filed 12–15–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–D–2099]

Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the availability of a final guidance for industry entitled “Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies.” The guidance provides recommendations for sponsors and sponsor-investigators to comply with the requirements of investigational new drug application (IND) safety reporting and safety reporting for bioavailability (BA) and bioequivalence (BE) studies. This guidance finalizes the draft guidance of the same title issued on June 28, 2021.

DATES: The announcement of the guidance is published in the **Federal Register** on December 16, 2025.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.
- If you want to submit a comment with confidential information that you

do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2020-D-2099 for “Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access

the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 800-835-4709 or 240-402-8010, industry.biologics@fda.hhs.gov. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Juanita Marner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-2500, cderomp@fda.hhs.gov; or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled “Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies.” The guidance provides recommendations to help sponsors and sponsor-investigators comply with the expedited safety reporting requirements for human drug and biological products that are being investigated (1) under an IND in accordance with § 312.32 (21 CFR 312.32) or (2) as part of a BA or BE study that is exempt from the IND requirements under § 320.31(d)(3) (21 CFR 320.31(d)(3)).

In the **Federal Register** of September 29, 2010 (75 FR 59935), FDA published

a final rule amending the IND safety reporting requirements under § 312.32 and adding safety reporting requirements for persons conducting IND-exempt BA and BE studies under § 320.31. Compliance with these requirements increases the likelihood that submitted information will be interpretable and will meaningfully contribute to the developing safety profile of the investigational drug and improve the overall quality of safety reporting.

An effective systematic approach by sponsors to safety surveillance, coupled with focusing on IND safety reports for suspected adverse reactions that are both serious and unexpected, allows sponsors, FDA, participating investigators, and institutional review boards to focus on important safety issues and take actions needed to minimize the risks of participation in a clinical trial.

Following the publication of the final rule, FDA issued the guidance for industry and investigators entitled “Safety Reporting Requirements for Investigational New Drug Applications and Bioavailability/Bioequivalence Studies” (December 2012) (the 2012 final guidance) to help sponsors and investigators comply with safety reporting requirements for INDs and for BA/BE studies that meet the conditions for IND exemption under § 320.31(d)(3) (IND-exempt BA/BE studies). In 2015, FDA issued a draft guidance for industry entitled “Safety Assessment for Investigational New Drug Application Safety Reporting” (December 2015) (the 2015 draft guidance) that primarily focused on aggregate analysis of serious adverse events for reporting.

In the **Federal Register** of June 28, 2021 (86 FR 34020), FDA announced the draft guidance for industry entitled “Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies” (the June 2021 draft guidance), which incorporated content from the 2012 final guidance and the 2015 draft guidance in terms of sponsors’ responsibilities for safety reporting requirements for INDs and BA/BE studies. The 2015 draft guidance was withdrawn upon the publication of the June 2021 draft guidance. In September 2021, FDA issued the draft guidance for industry entitled “Investigator Responsibilities—Safety Reporting for Investigational Drugs and Devices” (the September 2021 draft guidance) to help clinical investigators comply with the safety reporting requirements of IND studies and investigational device exemption (IDE)

studies. The September 2021 draft guidance incorporated content on investigator reporting under 21 CFR 312.64(b) from the 2012 final guidance.

In the **Federal Register** notice announcing the availability of the June 2021 draft guidance (86 FR 34020), FDA announced that when the June 2021 draft guidance and the September 2021 draft guidance were finalized, FDA planned to withdraw the 2012 final guidance because these guidances would replace the 2012 final guidance.

Elsewhere in this issue of the **Federal Register**, FDA also has announced the availability of a final guidance entitled “Investigator Responsibilities—Safety Reporting for Investigational Drugs and Devices.” Accordingly, FDA is withdrawing the 2012 final guidance at this time.

This guidance finalizes the June 2021 draft guidance. FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include revisions to the recommended approaches for aggregate analyses to reduce the need for unblinding to evaluate safety data; additional considerations for small programs and rare diseases; updated information for electronic submission of IND safety reports; and editorial changes for clarity.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by OMB under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 pertaining to the content and format of IND applications and the collections of information in § 320.31 for IND-exempt BA/BE safety reporting requirements for human drug and biological products have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 for

safety report submissions for applicants with an approved new drug application and an abbreviated new drug application have been approved under OMB control number 0910–0001. The collections of information for submitting Form FDA 3500A and for FDA adverse event reporting and electronic submissions using the Electronic Submission Gateway and the Safety Reporting Portal have been approved under OMB control number 0910–0291. The collections of information in 21 CFR part 11 pertaining to electronic records and signatures have been approved under OMB control number 0910–0303. The collections of information in 21 CFR part 50 and part 56 pertaining to the protection of human subjects and institutional review boards, respectively, have been approved under OMB control number 0910–0130. The collections of information in 21 CFR 314.80 for submitting periodic adverse drug experience reports have been approved under OMB control number 0910–0230. The collections of information in 21 CFR 600.80 for submitting periodic adverse experience reports for biological products have been approved under OMB control number 0910–0308.

III. Electronic Access

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Lowell M. Zeta,

Acting Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–22870 Filed 12–15–25; 8:45 am]

BILLING CODE 4164–01–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; The National Health Service Corps and Nurse Corps Interest Capture Form—OMB No. 0915–0337—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

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 January 15, 2026.

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 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: The National Health Service Corps and Nurse Corps Interest Capture Form OMB No. 0915–0337—Revision.

Abstract: HRSA’s National Health Service Corps (NHSC) and the Nurse Corps Scholarship and Loan Repayment Programs are committed to improving the health of the nation’s underserved by uniting communities in need with caring health professionals and by supporting communities’ efforts to build better systems of care. The NHSC and Nurse Corps Interest Capture Form, which can be accessed on the HRSA website at <https://bhw.hrsa.gov/about-us/ask-question>, is an optional form that a health profession student, licensed clinician, faculty member, clinical site administrator, or other interested individual can complete and submit to HRSA online. The purpose of the form is to enable individuals and clinical sites to ask questions about the NHSC and/or Nurse Corps Scholarship and Loan Repayment Programs, and to provide their contact information so that HRSA may provide them with periodic program updates and other general information via email. Completed forms will contain information such as the names and roles of the individual(s),

their phone number(s) and email address(es), and the HRSA program(s) in which they are interested or about which they have questions. The revisions in this ICR include an increase in the annualized information collection burden due to a higher number of respondents.

A 60-day notice published in the **Federal Register** on July 30, 2025, vol. 90, No. 144. 35914–15. There were no public comments.

Need and Proposed Use of the Information: The need and purpose of this information collection is to share resources and information regarding the

NHSC and Nurse Corps Scholarship and Loan Repayment Programs with interested HRSA website (<https://www.hrsa.gov/>) visitors.

Likely Respondents: Health profession students, licensed clinicians, faculty members, clinical site administrators or other individuals who are interested in learning more or have questions about NHSC and Nurse Corps Scholarship and Loan Repayment Programs.

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 utilize 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.

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 *
NHSC and Nurse Corps Interest Capture Form	17,676	1	17,676	0.025	442
Total	17,676	.....	17,676	.....	442

* Total Burden Hours are rounded up to the nearest whole number.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025–22930 Filed 12–15–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Commission on Childhood Vaccines

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Advisory Commission on Childhood Vaccines (ACCV) will hold public meetings for calendar year (CY) 2025. Information about the ACCV, agendas, and materials for these meetings can be found on the ACCV website at <https://www.hrsa.gov/advisory-committees/vaccines/index.html>.

DATES: ACCV meetings will be held on December 29, 2025, at 11:30 a.m. Eastern Time (ET); 12:00 p.m. ET; 12:30 p.m. ET; and 1:00 p.m. ET.

ADDRESSES: Meetings will be held by Microsoft Teams webinar. For meeting information updates, go to the ACCV

website meeting page at <https://www.hrsa.gov/advisory-committees/vaccines/meetings.html>.

FOR FURTHER INFORMATION CONTACT: Pita Gomez, Principal Staff Liaison, Division of Injury Compensation Programs, HRSA, 5600 Fishers Lane, 14W–18, Rockville, Maryland 20857; 800–338–2382; or ACCV@hrsa.gov.

SUPPLEMENTARY INFORMATION: The ACCV provides advice and recommendations to the Secretary of Health and Human Services on policy, program development, and other issues related to implementation of the National Vaccine Injury Compensation Program and concerning other matters as described under section 2119 of the Public Health Service Act (42 U.S.C. 300aa–19).

Since priorities dictate meeting times, be advised that start times, end times, and agenda items are subject to change. Refer to the ACCV website listed above for any meeting updates that may occur. For CY 2025 meetings, agenda items may include but are not limited to: updates from the Division of Injury Compensation Programs, Department of Justice, and Department of Health and Human Services' Divisions. The purpose of the four virtual meetings is for discussion only; the Commission will not conduct any voting or decision-making. Refer to the ACCV website listed above for all current and updated information concerning the CY 2025 ACCV meetings, including draft agendas

and meeting materials that will be posted before the meeting.

These meetings are open to the public. Meetings held on Microsoft Teams require registration. Registration details will be provided on our ACCV website at <https://www.hrsa.gov/advisory-committees/vaccines/meetings.html>. All registrants will be asked to provide their name, affiliation, and email address. After registration, individuals will receive Microsoft Teams information via email.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting(s). Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement to the ACCV should be sent to Pita Gomez using the contact information above at least 5 business days before the meeting date(s).

Individuals who need special assistance or another reasonable accommodation should notify Pita Gomez using the contact information listed above.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025–22982 Filed 12–15–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Public Comment Request; Application and Other Forms Used by the National Health Service Corps Scholarship Program, the National Health Service Corps Students to Service Loan Repayment Program, and the Native Hawaiian Health Scholarship Program—OMB No. 0915–0146—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

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 January 15, 2026.

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: Application and Other Forms Used by the National Health Service Corps Scholarship Program, the National Health Service Corps Students to Service Loan Repayment Program, and the Native Hawaiian Health Scholarship Program, OMB No. 0915–0146—Revision.

Abstract: Administered by HRSA's Bureau of Health Workforce, the National Health Service Corps (NHSC) Scholarship Program (SP), the NHSC Students to Service Loan Repayment Program (S2S LRP), and the Native Hawaiian Health Scholarship Program (NHHSP) provide scholarships or loan repayment to qualified students who are pursuing primary care health professions education and training. In return, students agree to provide primary health care services in underserved communities located in federally designated health professional shortage areas once they are fully trained and licensed health professionals. Awards are made to applicants who demonstrate the greatest potential for successful completion of their education and training as well as commitment to provide primary health care services to communities of greatest need. The information from program applications, forms, and supporting documentation is used to select the best qualified candidates for these competitive awards, and to monitor program participants' enrollment in school, postgraduate training, and compliance with program requirements.

Although some program forms vary from program to program (see program-specific burden charts below), required forms generally include a program application, academic and non-academic letters of recommendation, the authorization to release information, and the acceptance/verification of good academic standing report. The NHSC SP and the NHSC S2S LRP have added two forms for this information collection request, which include a Proof of Citizenship document and an essay. Additionally, the process used to monitor program participants while in

school via the Enrollment Verification Form has been modernized and renamed to In-School Verification, which will allow program participants to verify their enrollment status electronically, bringing efficiency to the process. The NHHSP is not seeking to change or add any forms or documentation.

A 60-day notice published in the **Federal Register** on August 5, 2025, vol. 90, No. 148; pp. 37529–31. There were no public comments.

Need and Proposed Use of the Information: The NHSC SP, S2S LRP, and NHHSP applications, forms, and supporting documentation are used to collect necessary information from applicants and schools that enable HRSA to make selection determinations for the competitive awards and monitor compliance (via training programs and sites) with program requirements.

Likely Respondents: Qualified students who are pursuing education and training in primary care health professions and are interested in working in health professional shortage areas, schools at which such students are enrolled, and post graduate training programs/sites which such students will attend.

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 utilize 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.

Total Estimated Annualized Burden Hours:

NHSC SP APPLICATION

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden (hours)
NHSC Scholarship Program Application	3,100	1	3,100	2.00	6,200.00
Letters of Recommendation	3,100	2	6,200	1.00	6,200.00
Proof of Citizenship	3,100	1	3,100	0.20	620.00
Essay	3,100	1	3,100	1.00	3,100.00
Authorization to Release Information	3,100	1	3,100	0.10	310.00
Acceptance/Verification of Good Standing Report	3,100	1	3,100	0.25	775.00

NHSC SP APPLICATION—Continued

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden (hours)
Verification of Disadvantaged Background Status	615	1	615	0.25	153.75
Total	* 3,100	.....	22,315	.....	17,358.75

* Certain documents are submitted by a subset of respondents consistent with program requirements.

NHSC Awardees/Schools/Post Graduate Training Programs/Sites

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden (hours)
Data Collection Worksheet	550	1	550	1.00	550.00
Post Graduate Training Verification Form	383	1	383	0.50	191.50
In-School Verification	1,275	4	5,100	0.10	510.00
Total	* 1,275	.....	6,033	.....	1,251.50

* Please note that the same group of respondents may complete each form as necessary.

NHSC S2S LRP APPLICATION

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden (hours)
NHSC Students to Service LRP Application	348	1	348	2.00	696.00
Proof of Citizenship	348	1	348	0.10	34.80
Essay	348	1	348	1.00	348.00
Letters of Recommendation	348	1	348	2.00	696.00
Authorization to Release Information	348	1	348	0.10	34.80
Acceptance/Verification of Good Standing Report	348	1	348	0.25	87.00
Verification of Disadvantaged Background Status	115	1	115	0.25	28.75
Total	* 348	.....	2,203	.....	1,925.35

* Certain documents are submitted by a subset of respondents consistent with program requirements.

NHHSP APPLICATION

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden (hours)
NHHSP Program Application	200	1	200	2.00	400.00
Letters of Recommendation	400	1	400	0.25	100.00
Authorization to Release Information	200	1	200	0.25	50.00
Acceptance/Verification of Good Standing Report	40	1	40	0.25	10.00
Scholar Enrollment Verification Form	40	4	160	0.50	80.00
Change in Program Curriculum Form	40	1	40	0.25	10.00
NHHSP Graduation Documentation Form	40	1	40	0.25	10.00
Total	* 200	.....	1,080	.....	660.00

* Certain documents are submitted by a subset of respondents consistent with program requirements.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025-22931 Filed 12-15-25; 8:45 am]

BILLING CODE 4165-15-P

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

National Institutes of Health

**Center for Scientific Review; Notice of
Closed Meetings**

Pursuant to section 1009 of the
Federal Advisory Committee Act, as

amended, notice is hereby given of the
following meetings.

The meetings 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: Center for Scientific Review Special Emphasis Panel; PAR-22-180: Maximizing Investigators' Research Award.

Date: January 20–21, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Laureen Elizabeth Connell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 710K, Bethesda, MD 20892, (301) 480-3629, connelle@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 11, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-22990 Filed 12-15-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <https://videocast.nih.gov/>.

Name of Committee: Office of AIDS Research Advisory Council.

Date: January 29, 2026.

Time: 12:30 p.m. to 04:30 p.m.

Agenda: Report from the OAR Director, update on the development of the NIH Strategic Plan and research priorities for HIV research.

Place: Office of AIDS Research, Office of the Director, NIH, 5601 Fishers Lane,

Rockville, MD 20852, (Virtual Meeting), <https://videocast.nih.gov/>.

Contact Person: CAPT Mary Glenshaw, Ph.D., M.P.H., OTR/L, Office of AIDS Research, Office of the Director, NIH, 5601 Fishers Lane, Room 2E61, Rockville, MD 20852, (301) 496-0357, OARACinfo@nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: www.oar.nih.gov, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: December 11, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-22983 Filed 12-15-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings 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: Center for Scientific Review Special Emphasis Panel; Topics in Clinical Data Management, Analysis, Informatics and Digital Health B.

Date: January 23, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Siddhartha Shankar Roy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (706) 373-3901, royss@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 11, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-22989 Filed 12-15-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings 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: Center for Scientific Review Special Emphasis Panel; Topics in Clinical Data Management, Analysis, Informatics and Digital Health C.

Date: January 29, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ivan K. Navarro, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007-K, Bethesda, MD 20892, 301-827-2061, ivan.navarro@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 11, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–22988 Filed 12–15–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings 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: Infectious Diseases and Immunology A Integrated Review Group; Bacterial Virulence Study Section.

Date: January 13–14, 2026.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Susan Daum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, Bethesda, MD 20892, 301–827–7233, susan.boyle-vavra@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 11, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–22992 Filed 12–15–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings 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: Center for Scientific Review Special Emphasis Panel; Translational Research in Neurology and Neuropsychiatry.

Date: January 5, 2026.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Dario Dieguez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, 301–827–3101, dario.dieguez@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 11, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–22991 Filed 12–15–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; 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 for Complementary and Integrative Health.

The meeting will be held as a virtual meeting and will be open to the public

as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. Once available the open session meeting link can be accessed at the Institute's/Center's home page: <https://nccih.nih.gov/about/naccih>.

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 for Complementary and Integrative Health.

Date: April 17, 2026.

Closed: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, DEM 2, Suite 401, 6707 Democracy Boulevard, Bethesda, MD 20892, Virtual Meeting.

Open: 12:30 p.m. to 5:00 p.m.

Agenda: Reports and Updates about Recent and Ongoing NCCIH Led or Involved Activities by NCCIH staff and its Director.

Address: National Institutes of Health, DEM 2, Suite 401, 6707 Democracy Boulevard Bethesda, MD 20892, Virtual Meeting.

Contact Person: Martina Schmidt, Ph.D., Director, Division of Extramural Activities, National Center for Complementary & Integrative Health, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 594–3456, schmidma@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should be less than 700 words in length, and should include the name, email address, telephone number and when applicable, the business or professional affiliation of the interested person. Any member of the public may submit written comments no later than April 3rd, 2026 (14 days before the council meeting).

Information is also available on the Institute's/Center's home page: <https://nccih.nih.gov/about/naccih>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: December 11, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-22993 Filed 12-15-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2025-0301]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625-0074

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625-0074, Direct User Fees for Inspection or Examination of U.S. and Foreign Commercial Vessels; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before February 17, 2026.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG-2025-0301] to the Coast Guard using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the "Public participation and request for comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG-C5I-P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593-7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607-4058, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, USCG-2025-0301, and must be received by February 17, 2026.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. If you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any

personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Direct User Fees for Inspection or Examination of U.S. and Foreign Commercial Vessels.

OMB Control Number: 1625-0074.

Summary: This collection requires the submission of identifying information such as a vessel's name and identification number, and of the owner's choice whether or not to pay fees for future years. A written request to the Coast Guard is necessary.

Need: The Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101-508], which amended 46 U.S.C. 2110, requires the Coast Guard to collect user fees from inspected vessels. To properly collect and manage these fees, the Coast Guard must have current information on identification. This collection helps to ensure that we get that information and manage it efficiently.

Forms: None.

Respondents: Owners of vessels.

Frequency: Annually.

Hour Burden Estimate: The estimated burden has increased from 3,086 hours to 3,527 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: December 11, 2025.

Bradley E. White,

(Acting) Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2025-22928 Filed 12-15-25; 8:45 am]

BILLING CODE 9110-04-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 California.

DATES: This determination takes effect on December 16, 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 El Centro Sector is an area of high illegal entry. From fiscal year 2021 through June 2025, the United States Border Patrol (“Border Patrol”) apprehended over 204,000 illegal aliens attempting to enter the United States between border crossings in the El Centro Sector. In that same time period Border Patrol seized over 1,562 pounds of marijuana, over 2,678 pounds of cocaine, over 206 pounds of heroin, over 18,130 pounds of methamphetamine, and over 936 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 El Centro 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 El Centro Sector. Therefore, DHS will take immediate action to construct additional barriers and roads in segments of the border in the El Centro 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 California within the United States Border Patrol El Centro Sector, is an area of high illegal entry (the “project area”): Starting at approximately Border Monument 232 and extending east to approximately Border Monument 209.

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.*); the Wilderness Act (Pub. L. 88–577 (16 U.S.C. 1131 *et seq.*)); and sections 102(29) and 103 of Title I of the California Desert Protection Act (Pub. L. 103–433, 108 Stat. 4471 (Oct. 31, 1994)).

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. 2025–22842 Filed 12–15–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6555–N–02]

Request for Information on the Uses of Rental Housing Finance Survey Data; Extension of Comment Period

AGENCY: Office of the Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development (HUD).

ACTION: Extension of comment period for request for information.

SUMMARY: On September 9, 2025, the Department of Housing and Urban Development (HUD) published in the **Federal Register** a document titled, “Request for Information on the Uses of Rental Housing Finance Survey Data.” (RFI). The request for comment provided for a 60-day comment period, which ended on November 10, 2025. HUD has determined that a 45-day

extension of the comment period is appropriate to allow interested persons additional time to provide responses. HUD is evaluating current needs for data from the Rental Housing Finance Survey (RHFS). As part of this evaluation, HUD is soliciting information from the public on uses of RHFS data and other comments or concerns about the RHFS.

DATES: The comment period for the request for comment published on September 9, 2025, at 90 FR 43463, is extended to January 30, 2026. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Interested persons are invited to submit comments responsive to the Request For Information. Copies of all comments submitted are available for inspection and downloading at www.regulations.gov. To receive consideration as public comments, comments must be submitted through one of the two methods specified below. All submissions must refer to the above docket number and title. Commenters are encouraged to identify the number of the specific question or questions to which they are responding. Responses should include the name(s) of the person(s) or organization(s) filing the comment; however, because any responses received by HUD will be publicly available, responses should not include any personally identifiable information or confidential commercial information.

1. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the www.regulations.gov website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

2. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

FOR FURTHER INFORMATION CONTACT: George Carter, Director, Housing and Demographic Analysis Division, Office

of Policy Development and Research, 451 7th Street SW, Room 8222, Washington, DC 20410–0500, telephone number 202–402–5873 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION: The purpose of the Rental Housing Finance Survey (RHFS) is to provide a current and continuous measure of the financial, mortgage and property characteristics of single-family and multifamily rental housing properties in the United States. The survey provides information on the financing of rental housing properties with emphasis on new originations for purchase, refinancing, and loan terms associated with these originations. In addition, the survey includes information on property characteristics, such as number of units, amenities available, rental income, operating costs, and capital expenditure information. The RHFS presents a full picture of the financing of rental housing, which is much more fragmented than the market for owner-occupied mortgages that is well documented by the private sector and supported by HUD, the Government Sponsored Enterprises, Fannie Mae and Freddie Mac, the Department of Veterans’ Affairs, the U.S. Department of Agriculture’s Rural Housing Service, and banks. The RHFS is the only data source with detailed information on the mortgage financing of multifamily rental properties with two or more units. RHFS data, tables, and documentation can be found here: <https://www.census.gov/programs-surveys/rhfs.html>.

In furtherance of its efforts to evaluate current needs for data from the RHFS, HUD published in the **Federal Register** a document titled “Request for Information on the Uses of Rental Housing Finance Survey Data”. The request for information solicits comment input to improve HUD’s understanding of how RHFS data is used and better understand concerns about the RHFS. While the request for information originally provided for a 30-day comment period, HUD has determined that extending the public comment period by an additional 45 days will better allow the public to submit comments that will help HUD gather information necessary for its evaluation of data needs from the RHFS.

Thus, HUD is extending the date for public comment until January 30, 2026.

John Gibbs,

Principal Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2025–22958 Filed 12–15–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6556–N–02]

Request for Information on the Uses of Survey of Market Absorption of New Multifamily Apartments (SOMA) Data; Extension of Comment Period

AGENCY: Office of the Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development (HUD).

ACTION: Extension of comment period for request for information.

SUMMARY: On September 9, 2025, the Department of Housing and Urban Development (HUD) published in the **Federal Register** a document titled, “Request for Information on the Uses of Survey of Market Absorption (SOMA) Data.” (RFI) HUD is evaluating current needs for data from the Survey of Market Absorption of New Multifamily Units (SOMA). As part of this evaluation, HUD is soliciting information from the public on uses of SOMA data and other comments or concerns about the SOMA.

DATES: The comment period for the request for comment published on September 9, 2025, at 90 FR 43468, is extended to January 30, 2026. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Interested persons are invited to submit comments responsive to the Request for Information as well as any other concerns about the SOMA.

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at <http://www.regulations.gov>.

2. *Submission of Comments by Mail.*

Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

FOR FURTHER INFORMATION CONTACT: George Carter, Director, Housing and Demographic Analysis Division, Office of Policy Development and Research, 451 7th Street SW, Room 8222, Washington, DC 20410–0500, telephone number 202–402–5873 (this is not a toll-

free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION: The purpose of the Survey of Market Absorption of New Multifamily Units (SOMA) is to provide data on the rate at which different types of new rental apartments and new condominiums/cooperative apartments are absorbed, that is, taken off the market, usually by being rented or sold, over the course of the first twelve months following completion of a building. The SOMA uses the Survey of Construction (SOC) as its sampling base. It provides data on the time between completion and rental or sale of new multifamily units and data on rents, sales prices, and size of apartments rented or sold. It is an indicator of how multifamily construction responds to consumer demand. SOMA data, tables, and documentation can be found here: <https://www.census.gov/programs-surveys/soma.html>.

In furtherance of its efforts to evaluate current needs for data from the SOMA, HUD published in the **Federal Register** a document titled “Request for Information on the Uses of Survey of Market Absorption (SOMA) Data”. The request for information solicits comment input to improve HUD’s understanding of how SOMA data is used and better understand concerns about the SOMA. While the request for information originally provided for a 30-day comment period, HUD has determined that extending the public comment period by an additional 45 days will better allow the public to submit comments that will help HUD gather information necessary for its evaluation of data needs from the SOMA. Thus, HUD is extending the date for public comment until January 30, 2026.

John Gibbs,

Principal Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2025–22959 Filed 12–15–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6633; NPS–WASO–NAGPRA–NPS0041366; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: Santa Rosa Junior College Multicultural Museum, Santa Rosa, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Santa Rosa Junior College Multicultural Museum (SRJCMM) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Rachel Minor, SRJCMM, 1501 Mendocino Avenue, Santa Rosa CA 95401, email rminor@santarosa.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service’s administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the SRJCMM, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 306 cultural items have been requested for repatriation. The 277 unassociated funerary objects/sacred objects are: six groundstone pestles, six groundstone mortars, one charmstone, 222 stone points and/or blades, 35 fragments of worked faunal bone, one shell, four clamshell beads, two bead fragments. The 29 sacred objects are 29 rusted iron nails of various sizes collected from the Carrillo Adobe site.

Objects 100.005 (pestle), 100.007 (Mortar), 100.008 (pestle), and 100.009 (mortar) were collected by Harry Sonnikin, who worked in construction in Sonoma County. These items were acquired through the process of doing his job, and are reasonably connected to the tribe based upon the geographical

locations in which the donor did that work. Object 103.106 is an obsidian biface point, which was located by donor J.R. Black in the Petaluma Hills. Objects 118.122 and 118.123 (mortars), 118.125, 118.126, and 118.128 (pestles) were collected by donor Patrick Gallagher in Kenwood, California. Object 35.101, a charmstone, is assumed to have been collected by the Museum's founder, Jesse Peter. It has the notation "California shell mound—east of Ignacio, CA". Objects 86.252, consisting of 35 fragments of faunal bone, one small shell, and a bead fragment, were also assumed to have been collected by Jesse Peter, with the following note: "Keiys Place, Bodega Bay". Object 92.070 is a mortar "found 1915–1916 in Santa Rosa Creek near the modern fire department on Sonoma Avenue" in Santa Rosa, CA by Louis Saare Jr. Objects 94.060 and 2025.3.1 consist of seven obsidian projectile points found by Mr. Gregory Willms (or Williams) in Santa Rosa, CA. and donated to the Santa Rosa Junior College Museum on February 22nd, 1994. Objects 95.155 (one mortar and one pestle) were found by donor Janice Boldt in 1948 in Montecito Heights, Santa Rosa, CA. Object 96.062, an obsidian bifacial blade, was found by Jacob Borsclair (age 13) in 1993 in Annadel Park on Louis Trail, 20 yards off the trail—sitting on the ground among obsidian chips— $\frac{1}{2}$ mile from parking lot, up the hill, under the trees. Objects 97.318 consists of three obsidian points, each of a different type of obsidian. Bennett Valley Ranch in Santa Rosa, CA donated these. Objects 98.002, 98.003, and 98.004 consist of 144 spear points and blades; mixed types of obsidian, found in the Oakmont region of Santa Rosa during the construction of the Golf Course by Mr. William Bochman prior to 1969 and donated to the museum by his son, Bruce Bochman. Presence of any potentially hazardous substances is unknown. Objects 2025.4.1 Consists of four gray stone scraper tools, ranging in size from 2 to 4.5 inches in length. Collected by Sharon Koch in the vicinity of St. Eugene's Church and The Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Objects 2025.4.2 Consists of four obsidian tools; three scrapers and one projectile point that range in size from 1 inch (point) to 2.5 inches. Cataloged together as they were donated in one bag together. Collected from Santa Rosa creek by Sharon Koch and donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Objects 2025.4.3

Consists of three tan colored projectile points. Donator described as scrapers in label accompanying, but are clearly semi-chipped points with shoulders and notches. Collected by Sharon Koch in the vicinity of St. Eugene's Church and The Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Object 2025.4.4 Consists of one obsidian point, in teardrop shape with serrated blade. Semitransparent in thinnest places. Collected by Sharon Koch in the vicinity of St. Eugene's Church and The Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Object 2025.4.5 Consists of two obsidian items. One is a very small projectile point, the second is a fragment of a blade or larger point. Collected by Sharon Koch in the vicinity of St. Eugene's Church and The Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Object 2025.4.6 Consists of a series of nineteen scrapers, points, and blades. Stone material varies, but majority is obsidian (with one projectile point being mahogany obsidian specifically). Donated in one bag together, documented together. Collected by Sharon Koch in the vicinity of St. Eugene's Church and The Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Object 2025.4.7 Consists of three tan stone scrapers. 2 to 3.25 inches in length. Collected by Sharon Koch in the vicinity of St. Eugene's Church and The Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Object 2025.4.8 Consists of two obsidian tools. Collected by Sharon Koch in the vicinity of St. Eugene's Church and The Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Object 2025.4.9 Consists of fourteen fragmentary items, all obsidian but one. Appear to be mostly pieces of projectile points, both finished and in progress. Collected by Sharon Koch in the vicinity of St. Eugene's Church and The Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Object 2025.4.10 Consists of

fourteen scrapers and points of various size and color. Several are obsidian. Several are tan. Collected by Sharon Koch in the vicinity of St. Eugene's Church and The Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Object 2025.4.11 Consists of four complete clamshell beads and several bead fragments. Collected by Sharon Koch in the vicinity of St. Eugene's Church and The Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025. Object 2025.4.12 Consists of 29 rusted iron nails of various sizes collected by Sharon Koch in the vicinity of St. Eugene's Church and the Carrillo Adobe in Santa Rosa (Montgomery Avenue) in the 1960s. These were donated to the Santa Rosa Junior College Museum on June 23rd, 2025.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the unassociated funerary objects and sacred objects described in this notice.

Determinations

The SRJCM has determined that:

- The 29 sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- The 277 unassociated funerary objects/sacred objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in

this notice and the Federated Indians of Graton Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Santa Rosa Junior College Multicultural Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Santa Rosa Junior College Multicultural Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22912 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6628; NPS-WASO-NAGPRA-NPS0041359; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Indianapolis Museum of Art, Inc. D.B.A. Newfields, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Indianapolis Museum of Art, Inc. D.B.A. Newfields intends to repatriate a certain cultural item that meets the definition of an and/or object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Jennifer Gallatin Rigsby, Indianapolis Museum of Art, Inc. D.B.A. Newfields, 4000 Michigan Road, Indianapolis, IN 46208-3326, email jrigsby@discovernewfields.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Indianapolis Museum of Art, Inc. D.B.A. Newfields, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one object of cultural patrimony is a basket. The basket is identified as a container with human figures and rattlesnake design made by the Yokuts people. It was created 1870-1910 in California. The basket was given to Indianapolis Museum of Art, Inc. D.B.A. Newfields by Mrs. Kate McGowan of Indianapolis, Indiana, in 1933.

Determinations

The Indianapolis Museum of Art, Inc. D.B.A. Newfields has determined that:

- The one object of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Tejon Indian Tribe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Indianapolis Museum of Art, Inc. D.B.A. Newfields must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Indianapolis Museum of Art, Inc. D.B.A. Newfields is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22903 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6610; NPS-WASO-NAGPRA-NPS0041341; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Yale Peabody Museum, Yale University, New Haven, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Yale Peabody Museum, Yale University, intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Professor Erika Edwards, Interim Director, Yale Peabody Museum, P.O. Box 208118, New Haven, CT 06520-8118, email erika.edwards@yale.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Yale Peabody Museum, and additional information on

the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 14 cultural items have been requested for repatriation. The two unassociated funerary objects are one lot of modified stone, and one lot of unmodified stone removed from the Riverside area in Gill, including Fort Hill, in Franklin County, Massachusetts by Edward H. Rogers likely between 1915 and 1920. Rogers donated the items to the Yale Peabody Museum in 1960.

The one unassociated funerary object is one lot of modified stone removed from Gill in Franklin County. The items were accessioned by the Yale Peabody Museum in 1906 and were received through unknown donors and collectors.

The two unassociated funerary objects are one lot of modified stone, and one lot of unmodified stone. The items were removed from the vicinity of Montague, including Turners Falls, in Franklin County. The items were acquired by Horatio Nelson Rust and donated to the Yale Peabody Museum by Othniel Charles (O.C.) Marsh in 1872.

The two unassociated funerary objects are one lot of modified stone, and one lot of unmodified stone removed from Turners Falls in Montague in Franklin County. The items were removed or acquired by Oscar H. Lebourveau and given with other collections to the Geology Department at the Yale Peabody Museum in 1877. The items were transferred to the Anthropology Department in 1929.

The one unassociated funerary object is one lot of modified stone removed from Riverside in Gill in Franklin County. The items were donated to the Yale Peabody Museum in 1884 by Sheridan C. Heighway.

The two unassociated funerary objects are one lot of modified stone, and one lot of modified copper removed from Riverside in Gill, Hampden County. The items were acquired by Othniel Charles (O.C.) Marsh prior to 1899 and brought to the Yale Peabody Museum in 1908.

The one unassociated funerary object is one lot of modified stone from Montague in Franklin County. The items were acquired by Othniel Charles (O.C.) Marsh prior to 1899 and brought to the Yale Peabody Museum in 1908.

The one unassociated funerary object is one lot of modified stone removed from Depot Hill in Holyoke, Hampden County. The item was donated to the

Yale Peabody Museum in 1912 by Dr. George Elwood Nichols.

The two unassociated funerary objects are one lot of undecorated ceramic sherds, and one lot of decorated ceramic sherds removed from the Guida Farm site in Hampden County by Edward Brooks. The items were donated to the Yale Peabody Museum by Edwin Kenneth Burnett of the Museum of the American Indian, Heye Foundation, in 1945.

Determinations

The Yale Peabody Museum has determined that:

- The 14 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Yale Peabody Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Yale Peabody Museum is responsible for sending a copy of this notice to the Indian Tribes identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22885 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6622; NPS–WASO–NAGPRA–NPS0041352; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The New York Public Library, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The New York Public Library has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Deborah Straussman, The New York Public Library, 476 Fifth Avenue, New York, NY 10018, email deborahstraussman@nypl.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of The New York Public Library, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. United States Sanitary Commission records, Statistical Bureau archives, Manuscripts and Archives Division, The New York Public Library.MssCol 18780. Box 117; Lock of hair belonging to Philip Konjockoty, identified as a 109-year-old Seneca Indian, examined on November 9, 1865. No known hazardous

substances. Reportedly collected by the United States Sanitary Commission. Donated by the United States Sanitary Commission to the Astor Library, 1879. Astor Library, Lenox Library and Tilden Trust combined in 1895 to become The New York Public Library, Astor, Lenox and Tilden Foundations.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains.

Determinations

The New York Public Library has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Seneca Nation of Indians.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, The New York Public Library must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The New York Public Library is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22897 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6608; NPS-WASO-NAGPRA-NPS0041339; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Princeton University, Princeton, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Princeton University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Lauren Jakobsson, Princeton University, Princeton, NJ 08544, email HROBPrinceton@princeton.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Princeton University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. No associated funerary objects are present. The human remains (Ancestor) were removed from Marion County, Indiana and acquired by Reverend R. T. Liston, a Presbyterian missionary born in Indianapolis in 1853. On November 16, 1892, the Ancestor was accessioned at the Elizabeth Marsh Museum of Geology and Archaeology, which in 1909 became part of the Princeton Museum of Natural History (now defunct). Princeton University has no knowledge or record of the presence of any potentially hazardous substances used to treat the human remains.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains (Ancestor) were removed from an unknown location. No

known archival literature indicates specific information about their region of origin, other than being labelled as "Mound Builder." The Ancestor was associated with Princeton Biology Professor Charles F.W. McClure (1865–1955) and entered the collections of the Princeton Morphological Museum at an unknown date. Beginning in 1909, the Morphological Museum materials were housed and exhibited in Guyot Hall as part of the Princeton Museum of Natural History. In 1944, these collections came under the joint management of the Biology and Geosciences Departments. In 1966, Biology Professor Elmer G. Butler (1900–1972) cataloged the individual into the Princeton University Osteological Collection for teaching purposes. Princeton University has no knowledge or record of the presence of any potentially hazardous substances used to treat the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains described in this notice.

Determinations

Princeton University has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Bay Mills Indian Community, Michigan; Cayuga Nation; Delaware Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Saginaw Chippewa Indian Tribe of Michigan; Saint Regis Mohawk Tribe; Sault Ste. Marie Tribe of

Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shawnee Tribe; and the Tonawanda Band of Seneca.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, Princeton University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Princeton University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22883 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6632; NPS-WASO-NAGPRA-NPS0041365; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: University of California, Riverside, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Riverside intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred

objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Megan Murphy, University of California, Riverside, 900 University Avenue, Riverside, CA 92517-5900, megan.murphy@ucr.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Riverside, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of six cultural items have been requested for repatriation. The six objects of cultural patrimony are three lots of ceramics and three lots of lithics.

In 1987, the University of California, Riverside Archaeological Research Unit (UCR-ARU) was contracted to conduct archaeological surveys along to route of a proposed KV transmission line spanning 55 miles through southern Riverside and northern Imperial counties. The general path of the proposed line followed the eastern shore of the Salton Sea and the eastern shore of the ancestral Lake Cahuilla. A total of twenty-two prehistoric archaeological sites, seven isolated artifacts, and three historical sites were recorded by the UCR-ARU over the course of the project. Artifacts were collected from the surface of archaeological sites CA-RIV-3210, CA-RIV-3216, CA-RIV-3374, CA-RIV-3217, and CA-RIV-3221 which were located in the Durmid and Mortmar region of the Coachella Valley. Archaeological sites CA-RIV-3210, CA-RIV-3216, and CA-RIV-3374 described by archaeologists as flake and ceramic scatters and the materials collected from these sites were housed at UCR under accession number 124. Archaeological site CA-RIV-3217 was described by archaeologists as a large seasonal campsite located along the eastern shore of ancestral lake Cahuilla; objects collected from the site were housed at UCR under accession number 134. Archaeological site CA-RIV-3221 was

also described as a lithic and ceramic scatter and surface finds were housed at UCR under accession number 135. The shorelines of the Salton Sea and ancestral Lake Cahuilla are located within the area traditionally occupied by the ancestors of the desert divisions of the Cahuilla tribes. In 2025, representatives of the Torres-Martinez Desert Cahuilla Indians reviewed UCR accessions 124, 134, and 135 and identified the materials as objects of cultural patrimony, which are important to the history of the desert Cahuilla people.

Determinations

The University of California, Riverside has determined that:

- The six objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Torres Martinez Desert Cahuilla Indians, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the University of California, Riverside must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of California, Riverside is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22910 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6649; NPS–WASO–NAGPRA–
NPS0041382; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Intended Repatriation: Ball State University, Muncie, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Ball State University intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Chyan Gilaspy, Ball State University, Applied Anthropology Laboratories, 2000 W Riverside Avenue, Muncie, IN 47306, email NAGPRA@bsu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Ball State University and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural items have been requested for repatriation. The one sacred object is a carved wooden staff and the three objects of cultural patrimony one weaved basket and two carved spindle whorls. The four cultural items were donated by a single private donor in 1983 (spindle whorls), 2013 (basket), and 2018 (staff). The staff was purchased from an auction and was previously part of the Valentine Pasvolsky collection. These cultural items were geographically affiliated to

the Northwest Coast. The basket was culturally affiliated as "Coast Salish". The three remaining cultural items were not culturally affiliated, but museum files compared the items to other known Salish cultural items. There are no institutional records indicating hazardous substances were used to treat any of the cultural items listed but XRF testing of other items in the collection have tested positive for the presence of arsenic, mercury, and/or lead.

Determinations

The Ball State University has determined that:

- The one sacred object described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- The three objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Puyallup Tribe of the Puyallup Reservation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Ball State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Ball State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian

organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 20, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22924 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6607; NPS–WASO–NAGPRA–
NPS0041338; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Defense, Air Force, Eglin Air Force Base, Eglin, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of Defense, Air Force, Eglin Air Force Base (AFB) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Catherine Nolan, NAGPRA Specialist Eglin AFB, Argonne National Laboratory, 9700 South Cass Avenue, EVS-Building 240 6D22, Lemont, IL 60439, email catherine.nolan.3@us.af.mil.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Eglin AFB, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified.

The 43 associated funerary objects are 33 ceramic sherds, five shell, four charred plant fragments, and one lithic flake. This ancestor and their funerary belongings were originally removed during a survey of Basin Bayou West (8WL13) by Lazarus and Burger in 1958, though they were only aware of the cultural items at the time. They were originally curated at the Fort Walton Indian Temple Mound Museum but were transferred in 1981 to the University of Florida-Florida Museum of Natural History (FLMNH). The FLMNH encountered the ancestor amongst faunal remains during a requested systematic osteological review of holdings as part of ongoing NAGPRA efforts. FLMNH notified Eglin AFB of the federal holding with subsequent transfer in August 2024. The site (8WL13) is recognized as primarily an Early Weeden Island burial mound.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Eglin AFB has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 43 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miccosukee Tribe of Indians; Poarch Band of Creek Indians; Seminole Tribe of Florida; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the Thlopthlocco Tribal Town.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Eglin AFB must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Eglin AFB is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22882 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6615; NPS-WASO-NAGPRA-
NPS0041346; PPWOCRADNO-
PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Essex Museum, Salem, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Essex Museum has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Kelly Ferguson, NAGPRA Project Manager, Peabody Essex Museum, 161 Essex Street, Salem, MA 01970, email kelly_ferguson@pem.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the

sole responsibility of the Peabody Essex Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The three associated funerary objects are fragments of dark brown, patterned burial kapa. Two fragments have a pattern of small triangles and one fragment is patterned with thin stripes.

Prior to 1938, Marcia Brown Bishop collected the kapa fragments in Hawai'i. Her catalog indicates they came from a burial cave. In 1938, she deposited the fragments at the Peabody Museum of Salem for an exhibition. In 1966, the museum purchased the items as part of the Marcia Brown [Richards] Bishop Collection. Consultation with representatives of Hui Iwi Kuamo'o indicates these items were used as burial kapa and were likely from Kanupa Cave, based on similarity to other pieces from this site.

The museum has no record of any potentially hazardous substances used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The Peabody Essex Museum has determined that:

- The three objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Hui Iwi Kuamo'o.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that

the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Peabody Essex Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Peabody Essex Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22890 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6603; NPS–WASO–NAGPRA–NPS0041337; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of Agriculture, Forest Service, National Forests in Mississippi, Jackson, MS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of Agriculture, Forest Service, National Forests in Mississippi intends to carry out the disposition of human remains and associated funerary objects removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026. If no claim for disposition is received by December 16, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects.

ADDRESSES: Send written claims for disposition of the human remains and

associated funerary objects in this notice to William MacNeill, Heritage Program Manager, National Forests in Mississippi, 6425 Lakeover Road, Suite A, Jackson, MS 39213, email william.l.macneill@usda.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the National Forests in Mississippi, and additional information on the human remains and associated funerary objects in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least three individuals have been reasonably identified. The 10 boxes of associated funerary objects include ceramic sherds, lithic flakes, and projectile points. These were recovered from the Little Spanish Fort Site/22Sh522 on the Delta National Forest in Sharkey County, Mississippi. This is a large site with a mound, earthen ditch, and bank that has documented cultural components including the Archaic, Middle and Lake Woodland (Marksville, Baytown, and Deasonville), and Mississippian periods. The human remains and funerary objects were removed during a University of Southern Mississippi field school in 1993. The Little Spanish Fort is located within the historical and ancestral lands of the Choctaw Nation of Oklahoma, Mississippi Band of Choctaw Indians, and the Jena Band of Choctaw Indians.

Determinations

The National Forests in Mississippi has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The 10 boxes of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- The Mississippi Band of Choctaw Indians and The Choctaw Nation of Oklahoma have priority for disposition of the human remains and associated funerary objects described in this notice.

Claims for Disposition

Written claims for disposition of the human remains and associated funerary

objects in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by December 16, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026. If competing claims for disposition are received, the National Forests in Mississippi must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains and associated funerary objects are considered a single request and not competing requests. The National Forests in Mississippi is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22881 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6611; NPS–WASO–NAGPRA–NPS0041342; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Columbus-Belmont State Park, Kentucky State Parks, Columbus, KY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Columbus-Belmont State Park, Kentucky State Parks, has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or

Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Jennifer Spence, Parks Curator, Kentucky State Parks, Mayo-Underwood Building, 5th Floor, 500 Mero Street, Frankfort, KY 40601 email jennifer.spence@ky.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Columbus-Belmont State Park, Kentucky State Parks, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing three individuals have been identified. Based on institutional knowledge, the remains were originally removed from a mound in Hickman County, Kentucky. They were curated for many years at the museum at Columbus-Belmont State Park before being transferred in 2001 to the William S. Webb Museum of Anthropology at the University of Kentucky in Lexington, where they remain in storage. There is no indication that any potentially hazardous substances were used to treat the remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains described in this notice.

Determinations

Columbus-Belmont State Park, Kentucky State Parks, has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Cherokee Nation; Eastern Shawnee Tribe of Oklahoma; Quapaw Nation; Shawnee Tribe; and The Chickasaw Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be

sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, Columbus-Belmont State Park, Kentucky State Parks must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Columbus-Belmont State Park, Kentucky State Parks, is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22886 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6644; NPS-WASO-NAGPRA-NPS0041378; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or

Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email jpickering@fas.harvard.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 30 cultural items has been requested for repatriation. Unless otherwise noted, all items were likely removed by Frank Hamilton Cushing between 1886 and 1889 as part of the Hemenway Southwestern Archaeological Expedition.

The one lot of unassociated funerary objects from the Casa Blancas in Maricopa County, AZ, consists of shell fragments, ceramic beads, and ceramic fragments.

The one lot of sacred objects from the Casa Blancas in Maricopa County, AZ, consists of stone pendants, stone discs, stone projectile points, ceramic fragments, and faunal remains.

The one lot of unassociated funerary objects from the Ciudad de la Mesa site in Maricopa County, AZ, consists of ceramic, stone, obsidian, and shell items.

The one lot of sacred objects from the Ciudad de la Mesa site in Maricopa County, AZ, consists of shell items.

The one lot of unassociated funerary objects from the La Ciudad de los Pueblitos site in Maricopa County, AZ, consists of bone faunal remains and ceramic items.

The one lot of sacred objects from the La Ciudad de los Pueblitos site in Maricopa County, AZ, consists of stone and ceramic items.

The one lot of unassociated funerary objects from the Las Acequias site in Maricopa County, AZ, consists of ceramic, shell, bone, turquoise, wood, and obsidian items, fiber basket fragments, corn and other floral remains, and faunal remains.

The one lot of sacred objects from the Las Acequias site in Maricopa County, AZ, consists of stone, ceramic, obsidian, and wood items.

The one lot of unassociated funerary objects from the Los Guanacos site in Maricopa County, AZ, consists of ceramic, bone, shell, adobe, quartz, turquoise, stone items, cloth and pigment fragments, and corn.

The one lot of sacred objects from the Los Guanacos Site in Maricopa County, AZ, consists of clay, ceramic, stone, sandstone, and wood items.

The one lot of unassociated funerary objects from the Los Hornos site in Maricopa County, AZ, consists of wood, bone, metal, ceramic, shell, quartz and stone items, turquoise fragments, charcoal and floral and faunal remains.

The one lot of sacred objects from the Los Hornos site in Maricopa County, AZ, consists of wood, ceramic and stone items.

The one lot of unassociated funerary objects from the Los Muertos site in Maricopa County, AZ, consists of shell, ceramic, clay, stone, turquoise, terracotta, bone, quartz items, floral and faunal remains, and pigment and mineral fragments.

The one lot of sacred objects from the Los Muertos site in Maricopa County, AZ, consists of stone, ceramic, shell, bone, obsidian items, and mineral fragments.

The one lot of objects of cultural patrimony from the Los Muertos site in Maricopa County, AZ, consists of cardium shell disks.

The one lot of unassociated funerary objects from the Pueblo de las Canopas site in Maricopa County, AZ, consists of ceramic, shell, wood, and stone items, and corn and floral remains.

The one lot of sacred objects from the Pueblo de las Canopas site in Maricopa County, AZ, consists of ceramic, stone and shell items.

The one lot of unassociated funerary objects from the Pueblo del Patricio site in Maricopa County, AZ, consists of stone and ceramic items.

The one lot of sacred objects from the Pueblo del Patricio site in Maricopa County, AZ, consists of ceramic, stone and shell items.

The one lot of unassociated funerary objects from the Pueblos Aribas site in Maricopa County, AZ, consists of shell items.

The one lot of sacred objects from the Pueblos Aribas site in Maricopa County, AZ, consists of shell items.

The one lot of unassociated funerary objects from Gila Bend in Maricopa County, AZ, consists of shell items.

The one lot of unassociated funerary objects from Phoenix,

Maricopa County, AZ, consists of stone items.

The one lot of sacred objects from Casa Blanca, Pinal County, AZ, consists of ceramic items.

The one lot of sacred objects from Maricopa County, AZ, consists of ceramic items.

The one lot of objects of cultural patrimony from Maricopa County, AZ, consists of wood items.

The one lot of sacred objects from Maricopa County, AZ, with unknown provenance consists of stone items.

The one lot of sacred objects from Phoenix, Maricopa County, AZ, consists of stone and obsidian items that were likely removed by J.H. Woods and Dr. Warren King Moorehead.

The one lot of unassociated funerary objects from Tempe, Maricopa County, AZ, consists of stone and slag items that were likely removed by J.H. Woods and Dr. Warren King Moorehead.

The one lot of sacred objects from Tempe, Maricopa County, AZ, consists of stone items that were likely removed by J.H. Woods and Dr. Warren King Moorehead.

Determinations

The PMAE has determined that:

- The 13 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- The 15 sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- The two objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or

other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 20, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22919 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6620; NPS-WASO-NAGPRA-NPS0041350; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation:
University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FMNH) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to David Blackburn, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email NagpraOffice@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural items have been requested for repatriation. The four unassociated funerary objects include shells, pottery, lithics, and plant remains are from Sarasota Bay Mound (8SO44) which is a sand burial mound that overlooks Sarasota Bay. It dates to the Weedon Island (A.D. 450–1000) and Safety Harbor (A.D. 1000–1500) periods. This site includes multiple burials, many disturbed by landscaping and plumbing activities throughout the years. In 1920, Dr. Charles T. McClintock built a house on top of the mound. Consequently, the mound's height was cut down for the house to be built and during this leveling, pottery and human remains were found. In the 1960s, the house was bought by Earl Putnam, a Canadian developer, who agreed to a salvage excavation before condos were built. Ripley P. Bullen of FLMNH came in and led the excavations of this mound, where these unassociated funerary objects were found. There are no known hazardous substances or treatments.

Determinations

The FMNH has determined that:

- The four unassociated funerary objects described in this notice are

reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Miccosukee Tribe of Indians and the Seminole Tribe of Florida.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the FMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The FMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22894 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6606; NPS–WASO–NAGPRA–NPS0041336; PPWOCRADNO–PCU00RP14.R50000]

**Notice of Inventory Completion:
University of Florida, Florida Museum
of Natural History, Gainesville, FL**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email NagpraOffice@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of FMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Pillsbury Mound (8MA31) consists of a sand burial mound and a temple mound. Ripley P. and Adelaide K. Bullen excavated this site during a museum expedition in April 1963. Though, their findings were never published before Ripley Bullen's death in 1976. In 1979, George Luer transcribed Bullen's field notes for the FLMNH. Pillsbury Mound was previously reported in the 2003 inventory as culturally unaffiliated with an MNI of 135 and did not report any associated funerary objects. This notice provides an updated MNI of 203, AFO, and cultural affiliation for the collection. Human remains

representing, at least, 203 individuals have been identified. The 4,989 associated funerary objects are pottery, shells, lithics, and soil samples.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The FMNH has determined that:

- The human remains described in this notice represent the physical remains of 203 individuals of Native American ancestry.
- The 4,989 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miccosukee Tribe of Indians and the Seminole Tribe of Florida.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the FMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22880 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6599; NPS–WASO–NAGPRA–NPS0041331; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Sacramento intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Mark R. Wheeler, Senior Advisor to President Luke Wood, California State University, Sacramento, 6000 J Street, Sacramento, CA 95819, email mark.wheeler@csus.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University, Sacramento, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of at least 576 cultural items have been requested for repatriation. The 576 objects of cultural patrimony include faunal remains, flaked and ground stones, modified shells and stones, and unmodified stones. An unknown number of unidentified cultural items may be missing from the collection, which may include other categories of items. The cultural items were collected from CA–SIE–20, CA–

SIE–21 and CA–SIE–Unknown in Sierra County, CA in the 1960s by the Central California Archaeological Foundation under contract with the National Park Service prior to the construction of Stampede Reservoir. The collection has since been housed at the California State University, Sacramento under accession number 81–CSUS–188. In 2024, the National Park Service denied having possession or control of the collections and; thus, California State University, Sacramento assumed control of the collections and initiated consultation. The California State University, Sacramento is unaware of any treatment of the objects of cultural patrimony with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects.

Determinations

The California State University, Sacramento has determined that:

- The 576 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the California State University, Sacramento must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California State University, Sacramento is responsible

for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22876 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6639; NPS–WASO–NAGPRA–NPS0041361; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Indianapolis Museum of Art, Inc. D.B.A. Newfields, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Indianapolis Museum of Art, Inc. D.B.A. Newfields intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jennifer Gallatin Rigsby, Indianapolis Museum of Art, Inc. D.B.A. Newfields, 4000 Michigan Road, Indianapolis, IN 46208–3326, email jrigsby@discovernewfields.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Indianapolis Museum of Art, Inc. D.B.A. Newfields, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 19 cultural items have been requested for repatriation. The 19 objects of cultural patrimony are six abalone pendants and 13 projectile

points. The six abalone pendants were taken from a burial mound on the Sacramento River near Sacramento, California, by C.P. Smith of Sacramento prior to 1900. From Mr. Smith it passed to C.W. Fair of Davenport, Iowa from whom Earl Townsend Jr. obtained it on July 16, 1954. Earl Townsend Jr. gave the pendants to the John Herron Art Institute, now the Indianapolis Museum of Art at Newfields, in 1962. The 13 projectile points are all from California and were purchased in San Francisco in 1928 by Dr. Byron W. Marshall of Nashville, Indiana and were in the Brown County, Indian Museum until 1951 when Earl Townsend Jr. purchased the museum. Earl Townsend Jr. gave the pendants to the John Herron Art Institute, now the Indianapolis Museum of Art at Newfields, in 1964.

Determinations

The Indianapolis Museum of Art, Inc. D.B.A. Newfields has determined that:

- The 19 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Wilton Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Indianapolis Museum of Art, Inc. D.B.A. Newfields must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Indianapolis Museum of Art, Inc. D.B.A. Newfields is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in

this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22905 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6617; NPS–WASO–NAGPRA–NPS0041348; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, email kshs.nagpra@ks.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The 240 associated funerary objects from the Kohr site (14SA414) in Saline County, KS (UBS 2025–08) are modified bone, chipped stone tools, modified stone, ground stone tools, corn, shell and marine shell, non-modified rock, pottery, a pipe blank, shell hoes, and a

mud dauber nest. This site is surrounded by site 14SA1, also known as the Salina Burial Pit/Whiteford-Price site, a Smoky Hill burial site, which has remains and objects formerly repatriated to the Pawnee Nation of Oklahoma. The Kohr site objects were removed predominately by the Whitefords beginning in the 1930s and were given to KSHS in 1971. To our knowledge, no hazardous substances were used to treat the associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The KSHS has determined that:

- The 240 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Pawnee Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22892 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6643; NPS–WASO–NAGPRA–NPS0041377; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email jpickering@fas.harvard.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, two individuals have been reasonably identified. The four associated funerary objects are one lot of ceramic bowls, one lot of ceramic jars, one lot of ceramic

sherds, and one lot of stone and iron fragments. The human remains and associated funerary objects were removed from the Las Acequias site in Maricopa County, AZ, by Frank Hamilton Cushing during the Hemenway Southwestern Archaeological Expedition in 1887 or 1888. The expedition's benefactor was Mrs. Mary Hemenway. Excavation of Maricopa County sites began in February 1887 and concluded in June 1888. The Hemenway Expedition collection came into the possession of the PMAE in May 1894, following the death of Mrs. Hemenway.

Based on the information available, human remains representing, at least, five individuals have been reasonably identified. No associated funerary objects are present. The human remains were removed from the La Ciudad de los Pueblitos site in Maricopa County, AZ. One individual was removed from the site during the Hemenway Southwestern Archaeological Expedition led by Frank Hamilton Cushing in 1887. The expedition's benefactor was Mrs. Mary Hemenway. Excavation of Maricopa County sites began in February 1887 and concluded in June 1888. The Hemenway Expedition collection came into the possession of the PMAE in May 1894, following the death of Mrs. Hemenway. Four of the individuals were gifted to PMAE in 1934 by the Gila Pueblo organization. Gila Pueblo obtained the individuals prior to 1934, most likely through the excavations of the site by Frank Midvale in the 1920s.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The three associated funerary objects are one lot of ancestral dog remains, one lot of ceramic bowls, and one lot of ceramic sherds. The human remains and associated funerary objects were removed from the Los Hornos site in Maricopa County, AZ.

Based on the information available, human remains representing, at least, two individuals have been reasonably identified. No associated funerary objects are present. The human remains were removed from the Phoenix area of Maricopa County, AZ by an unknown collector at an unknown date. The Robert S. Peabody Institute donated the two individuals to the PMAE in 1937.

Based on the information available, four associated funerary objects have been reasonably identified. The four associated funerary objects are one lot of ceramic jars, one lot of ceramic sherds, one stone implement, and one slate tablet fragment. The associated funerary objects were removed by Frank

Hamilton Cushing between 1886 and 1889 during the Hemenway Southwestern Archaeological Expedition from the Pueblo de las Canopas site in Maricopa County, AZ. The expedition's benefactor was Mrs. Mary Hemenway. Excavation of Maricopa County sites began in February 1887 and concluded in June 1888. The Hemenway Expedition collection came into the possession of the PMAE in May 1894, following the death of Mrs. Hemenway.

Based on the information available, one associated funerary object has been reasonably identified. The one associated funerary object is one ceramic jar. The associated funerary object was removed by Frank Hamilton Cushing between 1886 and 1889 during the Hemenway Southwestern Archaeological Expedition from the Pueblo del Patricio site in Maricopa County, AZ. The expedition's benefactor was Mrs. Mary Hemenway. Excavation of Maricopa County sites began in February 1887 and concluded in June 1888. The Hemenway Expedition collection came into the possession of the PMAE in May 1894, following the death of Mrs. Hemenway.

Based on the information available, one associated funerary object has been reasonably identified. The one associated funerary object is one shell. The associated funerary object was removed by Frank Hamilton Cushing between 1886 and 1889 during the Hemenway Southwestern Archaeological Expedition from the Los Guanacos site in Maricopa County, AZ. The expedition's benefactor was Mrs. Mary Hemenway. Excavation of Maricopa County sites began in February 1887 and concluded in June 1888. The Hemenway Expedition collection came into the possession of the PMAE in May 1894, following the death of Mrs. Hemenway.

Based on the information available, one associated funerary object has been reasonably identified. The one associated funerary object is one lot of a partially reconstructed ceramic jar known to have contained human remains. The associated funerary object was removed by R. E. L. Robinson in 1892 from an excavation in the center of Phoenix in Maricopa County, AZ, and was donated to the PMAE by an unknown person in 1892.

Based on the information available, human remains representing at least 138 individuals have been reasonably identified. The 16 associated funerary objects are one ceramic abrader, one lot of ceramic bowls, one lot of ceramic jars, one lot of ceramic pitchers, one lot of ceramic scoops, one lot of ceramic

sherds, one ceramic vessel, one chalcedony fragment, one lot of charcoal fragments, one hammerstone, one projectile point, one lot of shell fragments, one smoothing stone, one spindle whorl, one lot of unworked faunal remains, and one lot of worked faunal remains. The human remains and associated funerary objects were removed from the seventeen subsites across the Los Muertos site in Maricopa County, AZ by Frank Hamilton Cushing during the Hemenway Southwestern Archaeological Expedition between 1886 and 1880. The expedition's benefactor was Mrs. Mary Hemenway. Excavation of Maricopa County sites began in February 1887 and concluded in June 1888. The Hemenway Expedition collection came into the possession of the PMAE in May 1894, following the death of Mrs. Hemenway.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

- The PMAE has determined that:
- The human remains described in this notice represent the physical remains of 148 individuals of Native American ancestry.
 - The 30 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
 - There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows,

by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 20, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22918 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6645; NPS-WASO-NAGPRA-NPS0041379; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Mississippi Department of Archives and History, Jackson, MS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Mississippi Department of Archives and History (MDAH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Cindy Carter-Davis, Chief Archaeologist, Mississippi Department of Archives and History, Historic State Preservation Division, 100 South State

Street, P.O. Box 571, Jackson, MS 39205, email ccarterdavis@mdah.ms.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Mississippi Department of Archives and History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, in 2018, human remains from 22PA587 (Dugger Bluff) were listed in a Notice of Inventory Completion, published in the **Federal Register** on April 13, 2018 (FR 2018-07699). Also in 2021, human remains and AFO from 22PA587 (Dugger Bluff) were listed in a Notice of Inventory Completion, published in the **Federal Register** on January 22, 2021 (FR 2021-01340). These human remains and associated funerary objects were repatriated to The Chickasaw Nation. This notice includes additional human remains and associated funerary objects not included in the previous repatriations by the Mississippi Department of Archives and History.

Human remains representing, at least, eight individuals have been identified from 22PA587 (Dugger Bluff). The nine lots of associated funerary objects are one lot Native American ceramics, one lot lithics, one lot faunal remains, one lot shell, one lot fired clay, one lot organic material, one lot wood, one lot ochre, and one lot soil sample. In 1980, the University of Mississippi surveyed and excavated the surface of 22PA587. The human remains and surface collection were transferred from the University of Mississippi to MDAH in 2021. According to limited documentation, the site was also excavated in 1989 and possibly 1990 by MDAH personnel. However, no report for either excavation is available. In 1991, archaeologist Jay Mitchell performed a salvage excavation of a burial pit at the site and transferred the human remains and associated collection to MDAH.

Human remains representing, at least, one individual has been identified from 22PA10 (Mothershead). The human remains were removed at an unknown date and an unknown provenience by collector Glenn Johnson. No associated funerary objects are present.

Human remains representing, at least, one individual has been identified from Monroe County, Mississippi. The one

lot of associated funerary objects is a gorget. The human remains and the gorget are likely from a mound that was bulldozed in the 1960s near Amory and Nettleton, Mississippi. The human remains and the gorget were transferred to MDAH from the Arkansas Archaeological Survey in 2021.

Human remains representing, at least, one individual has been identified from Monroe County, Mississippi. No associated funerary objects are present. The human remains were recovered from a cotton field, located near Aberdeen, in the Tombigbee River bottom during the 1930s and donated to the Evans Memorial Library. The human remains were transferred to MDAH from the Evans Memorial Library in 2023.

Human remains representing, at least, one individual has been identified from an unknown location in Monroe County, Mississippi. The one lot of associated funerary objects are lithics. The human remains and objects were collected by a private individual named Clarence Day in the area surrounding Aberdeen, MS along the Tombigbee River.

Human remains representing, at least, one individual has been identified from 22MO940 (Nettleton). The one lot of associated funerary objects are faunal remains. The human remains and faunal remains were possibly removed from the site as part of a survey done by MDAH personnel in 1978.

Human remains representing at least, three individuals have been identified at 22PS529 (Trimble). The two associated funerary objects are one lot of Native American ceramic and one lot wood. The human remains and objects were transferred from the University of Mississippi to MDAH in 2021.

Human remains representing, at least, one individual has been identified from 22IT500/22IT532 (Fear's Place or Ironwood Bluff). The one lot of associated funerary objects associated with this site is one lot of lithics. Although the site was noted in 1970, the provenance of these remains and associated funerary objects is mostly unknown. The remains were transferred from Louisiana State University to MDAH in 2022 and the lot of associated funerary objects are thought to have been collected in 1979.

Human remains representing, at least, one individual has been identified from 22CL536. The four lots of associated funerary objects are one lot Native American ceramics, one lot shell, one lot lithic, and one lot ceramic pipe. The human remains and objects were removed during a surface collection conducted by MDAH in 1979.

Human remains representing, at least, one individual has been identified from 22CL597 (Harmon Lake #3). The four lots of associated funerary objects are one lot Native American ceramics, one lot faunal remains, one lot clay, and one lot lithic. The human remains and objects were collected during a surface collection conducted by MDAH in 1979.

No human remains are present; the remaining objects associated with human remains from 22CL598 (Chuquatonchee #2) previously listed in a Notice of Inventory Completion published in the **Federal Register** on March 29, 2023 (FR 2023-06474) have been identified. The four lots of associated funerary objects are one lot Native American ceramics, one lot clay, one lot ochre, and one lot lithics. Some of the objects are from a surface collection conducted by MDAH in 1979. There is also a collection with an unknown history.

Human remains representing, at least, one individual has been identified from 22CL604 (Smith #3). The three lots of associated funerary objects are one lot clay, one lot Native American ceramics and one lot lithic. The human remains and objects were collected during a surface collection conducted by MDAH in 1979.

Human remains representing, at least, one individual has been identified from 22CL620 (Hang Kettle #1). The five lots of associated funerary objects are one lot Native American ceramics, one lot shell, one lot lithic, one lot discoidal and one lot petrified wood. The human remains and objects may have been collected during a survey conducted by MDAH in the 1970s and/or 1980s.

Human remains representing, at least, one individual has been identified from 22CL763 (Sprouse). The four lots of associated funerary objects are one lot Native American ceramic, one lot shell, one lot clay and one lot lithic. The remains and objects may have been collected during a survey conducted by MDAH in the 1980s.

Through Tribal consultation, these 22 individuals and 39 lots of associated funerary objects were identified as culturally affiliated with The Chickasaw Nation. To our knowledge, no known hazardous substances were used to treat any of the human remains or the associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Mississippi Department of Archives and History has determined that:

- The human remains described in this notice represent the physical remains of 22 individuals of Native American ancestry.
- The 39 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and The Chickasaw Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Mississippi Department of Archives and History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Mississippi Department of Archives and History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 20, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22921 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6612; NPS-WASO-NAGPRA-NPS0041343; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Mercyhurst University, Erie, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Mercyhurst University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Anne Marjenin, Mercyhurst University, 501 East 38th Street, Erie, PA 16546, email nagpra@mercyhurst.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Mercyhurst University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 10 individuals have been identified. No associated funerary objects are present. In the mid to late 1890s, likely around 1895, multiple individuals were removed from a location referred to as Traxler Mound and/or the Eiden Site in Lorain County, Ohio. On an unknown date, Raymond C. Vietzen (1907–1995) obtained an unknown number of individuals from the 1890s collecting activities. Between 1955 and 1958, additional individuals were removed from the same location, which was then referred to as the Engel-Eiden Site. Vietzen, who participated in the 1950s collecting activities, retained an unknown number of individuals from

the Engel-Eiden Site, and likely continued to remove individuals into the 1960s. While there is no record regarding potentially hazardous substances having been used to treat the human remains, tape, paint, newspaper, unidentified adhesives, and an unidentified plaster or similar type of substance are present. It is unknown when these materials and substances were applied. A residue, likely from tape, is also present on some of the human remains.

Human remains representing, at least, 15 individuals have been identified. The two associated funerary objects are a lead ball and faunal remains. On unknown dates before December 1943, Raymond C. Vietzen (1907–1995) removed, and supervised the removal, of multiple individuals from the Franks Site in Lorain County, Ohio. This location may also be referred to as the Morris-Franks Site and/or Morris Village Site. Vietzen likely removed additional individuals in 1949, and he retained an unknown number of individuals from the location. While there is no record regarding potentially hazardous substances having been used to treat the human remains, tape, wax, unidentified adhesives, an unidentified plaster or similar type of substance, and an unidentified preservative coating, consolidant, or sealant are present. It is unknown when these materials and substances were applied. A residue, likely from tape, is also present on some of the human remains.

Vietzen, an avocational archaeologist, collector, and author, established the Indian Ridge Museum in Elyria, Ohio, and the Archaeological Society of Ohio (formerly the Ohio Indian Relic Collectors Society). The Indian Ridge Museum, founded in the 1930s, served as Vietzen's laboratory and repository, and it remained in operation until the mid-1990s. After Vietzen's death, the facility fell into disrepair, and most of the items he had acquired and housed at the museum were sold. In 1998, the Ohio Historical Society (presently the Ohio History Connection) removed ancestral human remains and some of the remaining items from the facility and temporarily housed them at the Ohio Historical Society. In October of 2003, these remains were transferred from the Ohio Historical Society to Mercyhurst College (presently Mercyhurst University).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and

associated funerary objects described in this notice.

Determinations

Mercyhurst University has determined that:

- The human remains described in this notice represent the physical remains of 25 individuals of Native American ancestry.
- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cayuga Nation; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Omaha Tribe of Nebraska; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Saint Regis Mohawk Tribe; Sault Ste. Marie Tribe of

Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; Tonawanda Band of Seneca; Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; and the Wyandotte Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, Mercyhurst University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Mercyhurst University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22887 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6637; NPS-WASO-NAGPRA-NPS0041369; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Gilcrease Museum, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Gilcrease Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Laura Bryant, Gilcrease Museum, 800 S Tucker Drive, Tulsa, OK 74104, email laura-bryant@utulsa.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Gilcrease Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 28 individuals have been reasonably identified. The 286 associated funerary objects are 60 lots of ceramic vessels and sherds, seven lots of faunal remains, one carved shell gorget, 27 lots of shell beads, 16 lots of shell spoons, five lots of shell, six lots of pipe bowls, 136 lots of lithic tools, two lots of chunky stones, one lot of bone beads, one lot of pebbles, five lots of charcoal, one lot of galena, one lot of worked copper, one lot of worked faunal teeth, one mud dauber's nest, nine lots of pigment, one lot of pot fill, two lots of bone tools, one lot of lead bullet fragments, one lot of petrified wood, and one lot of ear spools. The Yokem site (11PK89) is located in Pike County, Illinois. In 1968, avocational archaeologist Gregory Perino excavated at the Yokem Site under the auspices of the Thomas Gilcrease Foundation.

Most of the ancestral remains and funerary objects came directly to Thomas Gilcrease following excavation, though Gregory Perino did keep some in personal collection. Perino's collection was purchased by the Gilcrease Foundation in the 1960s. Thomas Gilcrease transferred his collection to the City of Tulsa in 1955 and 1963-64

to form Gilcrease Museum. To our knowledge, no known hazardous substances were used to treat any of the remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

Gilcrease Museum has determined that:

- The human remains described in this notice represent the physical remains of 28 individuals of Native American ancestry.
- The 286 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Iowa Tribe of Kansas and Nebraska; Kaw Nation, Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Quapaw Nation; Sac & Fox Nation, Oklahoma; Shawnee Tribe; The Osage Nation; and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this

notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Gilcrease Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Gilcrease Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22909 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6631; NPS–WASO–NAGPRA–NPS0041364; PPWOCRADNO–PCU00RP14.R500000]

Notice of Intended Repatriation: University of California, Riverside, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Riverside intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Megan Murphy, University of California, Riverside, 900 University Avenue, Riverside, CA 92517–5900, megan.murphy@ucr.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Riverside, and additional

information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 19 cultural items have been requested for repatriation. The 19 objects of cultural patrimony are four lots of ceramics, four lots of lithics, one lot of manos, one lot of botanical materials, one lot of charcoal, two lots of faunal bone, one lot of shell beads, one lot of unmodified shell, two lots of geological materials, one lot of fire affected rock, and one lot of glass.

In 1986, the University of California, Riverside Archaeological Research Unit (UCR–ARU) was contracted by a private development firm to conduct an archaeological resources assessment of a parcel of land in the Sage area of Riverside County ahead of the proposed construction of residential properties. A field survey was conducted, which located archaeological site CA–RIV–3025. A test excavation, followed by a more intensive data collection excavation of the site resulted in the removal of approximately 263 cultural items including animal bone, ceramic sherds, lithics, shell beads, and unmodified shell, which were housed at UCR under accession number 115.

Archaeological site CA–RIV–3025 is located near the Cahuilla Valley, known as Pawi to the Cahuilla people. It is an important part of their ancestral landscape and cultural objects removed from the region are considered to be Objects of Cultural Patrimony.

In 1987, the University of California, Riverside Archaeological Research Unit (UCR–ARU) was contracted by the Sage Ranch Nursery to conduct an archaeological resources assessment of the ranch ahead of further property development. During the survey several new sites were recorded and cultural objects were collected from CA–RIV–3186 and CA–RIV–3197. Archaeological site CA–RIV–3186 was described by archaeologists as a scatter of artifacts and milling features, while CA–RIV–3197 was described as milling features and a midden deposit. Archaeologists collected several pottery sherds from the surface of both sites, but did not do any excavation or major data collection. Those ceramic sherds were housed at UCR under Accession number 124. In 2025, tribal representatives identified the ceramic sherds as being Objects of Cultural Patrimony. The sites are located near Cahuilla Valley, which is known to the Cahuilla people as Pawi. It is an important part of their ancestral

landscape and cultural objects removed from the region are considered to be Objects of Cultural Patrimony.

In 1987, the University of California, Riverside Archaeological Research Unit (UCR-ARU) was contracted by a private property owner to evaluate the extent of two previously recorded archaeological sites on his property. The property is located in Terwilliger Valley in the slopes leading up to Table Mountain in southwest Riverside County, California. Archaeological site CA-RIV-1628 was located during a previous archaeological investigation and CA-RIV-3279 was located during the UCR-ARU project. Archaeologists described a large bedrock milling slick at CA-RIV-1628 and a cache of heating stones at CA-RIV-3279. They collected approximately 173 items including ceramics and lithic artifacts, which were subsequently housed under UCR accession number 125. In 2025, tribal representatives identified the ceramic sherds and lithic objects as being Objects of Cultural Patrimony. The region in which the sites are located is known to be part of the ancestral landscape of the Cahuilla people and cultural objects removed from the region are considered to be Objects of Cultural Patrimony.

In 2022, the UCR NAGPRA Program staff discovered a small collection of items in the UCR archaeological collections labelled "Noah Cary Ranch, 1968". The materials included pottery sherds, charcoal, botanical materials, fire affected rock, faunal bone, and glass. UCR NAGPRA Program staff could not find any records in the UCR Archaeological Research Unit files that described how the materials came to be at UCR, but the collection was assigned UCR accession number 433. Through further research, NAGPRA Program staff were able to determine that Cary Ranch is an archaeological site in Riverside County designated as CA-RIV-36. It is located in Cahuilla Valley and it known to the Cahuilla people as the historic Cahuilla village of Paukī. The site contains pictographs, rock shelters, midden deposits, and bedrock mortars. Potential human cremations have also been noted at the site. In 2025 representatives of the Cahuilla Band of Indians reviewed the collection and identified the objects as being Objects of Cultural Patrimony.

In 2022, the UCR NAGPRA Program staff discovered a small collection of items in the UCR Archaeological collections with a note reading "DC 5/70, Barley-Jed Kelly Site, Garner Valley, above Barley on way to Mines". The materials include 1 mano, 1 broken mano fragment, and 2 pieces of

geological material. UCR NAGPRA Program staff could not find any records in the UCR Archaeological Research Unit files that described how the materials came to be at UCR, but the collection was assigned UCR accession number 461. An additional note with the mano read, "Riv. Co. Kenworthy Co Rd. 100' from Hwy 71 listed on ASA site sheet". Further research into the collection determined that the note was referring to the old mining town of Kenworthy in Garner Valley, Riverside County, California. This area is known to the Cahuilla people as being part of their ancestral landscape and was used particularly as part of their summer range. In 2025 representatives of the Cahuilla Band of Indians reviewed the collection and identified the objects as being Objects of Cultural Patrimony.

Determinations

The University of California, Riverside has determined that:

- The 19 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Cahuilla Band of Indians.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the University of California, Riverside must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of California, Riverside is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in

this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22908 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6625; NPS-WASO-NAGPRA-NPS0041356; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to David Blackburn, FLMNH, 1659 Museum Road, Gainesville, FL 32611, email nagpraoffice@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Seven Oaks Mound (8PI8) is a sand burial mound that dates to the Safety Harbor period (A.D. 1000–1500) and the First Spanish period (1513–1763).

Numerous collections were presented to FLMNH from various collectors from 1914–1917. Seven Oaks Mound was previously reported in the 2003 inventory as culturally unaffiliated with an MNI of seven and did not report any associated funerary objects. This notice provides an updated MNI of nine, as well as including AFO, and cultural affiliation for the collection. Human remains representing, at least, nine individuals have been identified. The 561 associated funerary objects are lithics, pottery, shell, historic beads, a copper disk, and gorgets.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The FLMNH has determined that:

- The human remains described in this notice represent the physical remains of nine individuals of Native American ancestry.
- The 561 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miccosukee Tribe of Indians and the Seminole Tribe of Florida.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects

are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22896 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6600; NPS–WASO–NAGPRA–NPS0041333; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice. The human remains were collected at the Sherman Institute, Riverside County, CA.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email jpickering@fas.harvard.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at minimum, two individuals were collected at the Sherman Institute, Riverside County, CA. The human remains are hair clippings collected from one individual who was recorded as being 19 years old and one individual who was recorded as being 17 years old and identified as “Paiute.” Samuel H. Gilliam took the hair clippings at the Sherman Institute between 1930 and 1933. Gilliam sent the hair clippings to George Woodbury, who donated the hair clippings to the PMAE in 1935. No associated funerary objects are present.

Cultural Affiliation

Based on the available information and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Tejon Indian Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribe identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22877 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[N6629; NPS–WASO–NAGPRA–
NPS0041362; PPWOCRADNO–
PCU00RP14.R50000]**

Notice of Inventory Completion: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Sacramento has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Mark R. Wheeler, California State University, Sacramento, 6000 J Street, Sacramento, CA 95819, email mark.wheeler@csus.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University, Sacramento, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Associated funerary objects have been identified that originate from CA–SJO–56 in northwestern San Joaquin County, CA. The nine associated funerary objects consist of at least nine objects that include modified shell and modified stone, some of which are noted as having been removed from burials. At least six of these objects are currently missing, and California State University, Sacramento continues to

look for them. The associated funerary objects were donated to California State University, Sacramento in the 1950s by the University of California, Berkeley and have since been stored under accession number 1974–24. California State University, Sacramento is unaware of any treatment of the associated funerary object with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The California State University, Sacramento has determined that:

- The nine objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the associated funerary objects described in this notice and the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwok Indians; Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; and the Wilton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that

the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the California State University, Sacramento must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The California State University, Sacramento is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22906 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[N6650; NPS–WASO–NAGPRA–
NPS0041383; PPWOCRADNO–
PCU00RP14.R50000]**

Notice of Inventory Completion: Florida Department of State, Tallahassee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Florida Department of State (FDOS) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Tea Kaplan, Florida Department of State, 2100 W Tennessee Street, Tallahassee, FL 32304, email Tea.Kaplan@dos.fl.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of the FDOS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. No associated funerary objects are present. Ancestral remains were transferred to the FDOS from the Museum of Science & History, Jacksonville, Florida in 1997 under 872.05, Florida Statutes. Following identification of the provenance of the Ancestral remains, the collection was accessioned to proceed with consultation and repatriation. According to research and documentation, the remains were removed from an unknown site near Utqiagvik (formerly, Barrow) in the 1930s or early 1940s by Robert Shankel, an anthropologist and filmmaker. Shankel likely removed the remains during a visit to North Slope Borough during filming of the documentary "Survival of the North", which had limited screening in 1945 following Shankel's service during World War II.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The FDOS has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Native Village of Barrow Inupiat Traditional Government.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the FDOS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The FDOS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 20, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22925 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6640; NPS-WASO-NAGPRA-NPS0041371; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: University of California, Davis, Davis, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Davis (UC Davis) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Megon Noble, University of California, Davis, 412 Mrak Hall, One Shields Avenue, Davis, CA 95616, email mnoble@ucdavis.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UC Davis, and additional information on the determinations in this notice, including

the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two lots of cultural items have been requested for repatriation. The two lots of objects of cultural patrimony are one box of botanical material including soil, seeds, and charcoal flotation samples in various stages of sorting by size, type of material, and species and one lot of unidentified missing material. The material is from CA-SAC-497 (P-34-000556; JSA Parker 1), Snodgrass Slough in Sacramento County, California. It was excavated in the 1990s by Barry Scott of Jones & Stokes (now ICF Jones & Stokes). Archaeobotanist Eric Wohlgenuth deposited the botanical material at the UC Davis Department of Anthropology Museum in approximately 2012. The University is unaware of any treatment of the objects of cultural patrimony with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects.

Determinations

UC Davis has determined that:

- The two lots of objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Wilton Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, UC Davis must determine the most appropriate requestor prior to

repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. UC Davis is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22914 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6638; NPS–WASO–NAGPRA–NPS0041370; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California Department of Transportation, District 7, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California Department of Transportation (Caltrans) District 7 has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Caprice Harper, California Department of Transportation, District 7, 100 Main Street, 10th Floor, Los Angeles, CA 90012, email Caprice.Harper@dot.ca.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Caltrans, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. These two individuals were removed from CA–LAN–2233 after Caltrans initiated an emergency effort to recover burials located in the path of a construction project to improve State Route 126. All human remains were thought to be reburied at the time of excavation and the resulting collection was housed at the University of California, Los Angeles (UCLA), under Accession 894. This collection was then a part of a NAGPRA repatriation in 2016 (88 FR 54350). For unknown reasons, the human remains of the two individuals (Burials 15c and 16) listed in this notice were then sent to the University of California, Riverside UC Riverside) for radiocarbon dating, and then to the university of California, Davis, before being transferred to the Santa Barbara Museum of Natural History (SBMNH) in 2017, where they were identified in 2025. There are no known/documented potentially hazardous substances used to treat the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains described in this notice.

Determinations

Caltrans has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, Caltrans must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Caltrans is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22913 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6636; NPS–WASO–NAGPRA–NPS0041368; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Gilcrease Museum, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Gilcrease Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Laura Bryant, Gilcrease Museum, 800 S Tucker Drive, Tulsa, OK 74104, email laura-bryant@utulsa.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Gilcrease Museum, and additional information on the determinations in this notice,

including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 22 individuals have been reasonably identified. The 390 associated funerary objects are four lots of stones, 21 lots of lithic tools, one lot of sherds, eight lots of faunal remains, 32 lots of bone tools, 15 lots of shell, eight lots of shell beads, 11 shell spoons, six lots of worked copper, three lots of earpools, seven lots of pipe bowls, 11 lots of soil, four lots of ceramic vessels and sherds, five lots of pearl beads, 10 lots of worked faunal teeth, 228 lots of wood, four lots of mica, one amber bead, nine lots of daub, one lot of charcoal, and one lot of fossils. Bedford Mounds (11PK7) is located in Pike County, Illinois.

Between 1955 and 1956, avocational archaeologist Gregory Perino excavated at Bedford Mound under the auspices of the Thomas Gilcrease Foundation.

Human remains representing, at least, four individuals have been reasonably identified. The 10 associated funerary objects are one lot of shell, one lot of pipe bowls, four lots of shell beads, two lots of ceramic vessels and sherds, and two lots of lithic tools. The Helm site (11PK1234) is located in Pike County, Illinois. In 1955, avocational archaeologist Gregory Perino excavated at the Helm Site under the auspices of the Thomas Gilcrease Foundation.

The 115 associated funerary objects are 39 lots of ceramic vessels and sherds, one lot of pipe bowls, one lot of chunky stones, 68 lots of lithic tools, two lots of shell, one lot of charcoal, and three lots of faunal remains and antlers. The Homer Adams site is located in Pike County, Illinois. In 1970, avocational archaeologist Gregory Perino excavated the Homer Adams site under the auspices of the Thomas Gilcrease Foundation.

The 44 associated funerary objects are two lots of mica; three lots of faunal remains; five lots of shell beads, spoons, and fragments; 10 lots of ceramic vessels and sherds; 21 lots of lithic tools; one lot of charcoal; one lot of pipe bowls; and one lot of chunky stones. The Joe Gay site (11PK1573) is located in Pike County, Illinois. In 1970, avocational archaeologist Gregory Perino excavated the Joe Gay Site under the auspices of the Thomas Gilcrease Foundation.

The 73 associated funerary objects are one lot of textile fragments, one lot of wood, two lots of ceramic sherds, two lots of pigment, 39 lots of lithic tools, 16 lots of bone tools, one lot of ceramic

beads, four lots of pipe bowls, two lots of worked copper, three lots of faunal remains, one lot of worked faunal teeth, and one large engraved bone with a bird figure. The Lawrence Gay site is located in Pike County, Illinois, near the Joe Gay site above. In 1970, avocational archaeologist Gregory Perino excavated the Joe Gay Site under the auspices of the Thomas Gilcrease Foundation.

Human remains representing, at least, one individual has been reasonably identified. The 35 associated funerary objects are three lots of faunal remains, 16 lots of lithic tools, one lot of worked copper, one lot of mica, one lot of feces (species unknown), one lot of shell, one lot of pipe bowls, seven lots of bone tools, and three lots of sherds. The Montezuma site (11PK1245) is located in Pike County, Illinois. In 1956, avocational archaeologist Gregory Perino excavated the Montezuma Site under the auspices of the Thomas Gilcrease Foundation.

Human remains representing, at least, four individuals have been reasonably identified. The 199 associated funerary objects are two lots of shell beads, three lots of faunal remains, one cartridge, two lots of pearl beads, one lot of pipes, 188 lots of lithic tools, one lot of shell, and one lot of worked faunal teeth. The Pilot Peak site (11PK1404) is located in Pike County, Illinois. In 1956, avocational archaeologist Gregory Perino excavated the Pilot Peak Site under the auspices of the Thomas Gilcrease Foundation.

The 11 associated funerary objects are one ceramic vessel, four lots of sherds, and six lots of lithics. The Shaffner site is located in Pike County, Illinois. In 1968, avocational archaeologist Gregory Perino excavated Shaffner Site under the auspices of the Thomas Gilcrease Foundation.

The two associated funerary objects are one lot of sherds and one vessel. The Stilwell II site (11PK1044) is located in Pike County, Illinois. Between 1961 and 1962, avocational archaeologist Gregory Perino excavated at the Stilwell II Site.

Human remains representing, at least, five individuals have been reasonably identified. The 51 associated funerary objects are 24 lots of lithic tools, one lot of stones, one lot of wood, one lot of shell, 17 lots of faunal remains, five lots of sherds, one limestone disc, and one lot of chunky stones. Swartz Mound #1 (11PK1394) is located in Pike County, Illinois. In 1956, avocational archaeologist Gregory Perino excavated Swartz Mound #1 under the auspices of the Thomas Gilcrease Foundation.

For each of the sites above, most of the ancestral remains and funerary objects came directly to Thomas

Gilcrease following excavation, though Gregory Perino did keep some in personal collection. Perino's collection was purchased by the Gilcrease Foundation in the 1960s. Thomas Gilcrease transferred his collection to the City of Tulsa in 1955 and 1963–64 to form Gilcrease Museum. To our knowledge, no known hazardous substances were used to treat any of the remains or associated funerary objects.

The three associated funerary objects are three lots of lithic tools. The Harshman site is located in Pike County, Illinois. Gilcrease Museum likely acquired these in the 1960s or 1970s.

The two associated funerary objects are one lot of sherds and one lot of mica fragments. The Manker site is located in Pike County, Illinois near Swartz Mound (11PK1394). Likely in the 1950s, avocational archaeologist Gregory Perino excavated at Manker site. These funerary objects may have come directly to Gilcrease Museum after excavation or may have been kept by Gregory Perino and later purchased from him by Gilcrease Museum.

The three associated funerary objects are one lot of lithic tools, one plummet, and one lot of ceramic sherds. The Sand Ridge site is located near Florence in Pike County, Illinois. The funerary objects were removed in 1960 and likely were acquired by Gilcrease Museum in the 1960s.

The two associated funerary objects are two lots of lithic tools. The Stilwell site is located in Pike County, Illinois near the Stilwell II site (11PK1044). The funerary objects were collected by Hugh Young, whose collection, including these items, was partially purchased by Thomas Gilcrease in 1960.

The 96 associated funerary objects are 86 lots of lithic tools, two lots of sherds, five chunky stones, one metate, two lots of worked copper. These funerary objects were removed from unknown sites in Pike County, Illinois likely in the early to mid-20th century. Though most lack provenance information, some came to Gilcrease Museum in the 1960s from Gregory Perino's collection and from Hugh Young's collection.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

Gilcrease Museum has determined that:

- The human remains described in this notice represent the physical

remains of 36 individuals of Native American ancestry.

- The 1,036 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Iowa Tribe of Kansas and Nebraska; Kaw Nation, Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Quapaw Nation; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Shawnee Tribe; and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Gilcrease Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Gilcrease Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22916 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6616; NPS–WASO–NAGPRA–NPS0041347; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Robert S. Peabody Institute of Archaeology, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Robert S. Peabody Institute of Archaeology (RSPI) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Ryan J. Wheeler, Robert S. Peabody Institute of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, email rwheeler@andover.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the RSPI, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. The 20 associated funerary objects are 20 lots of chipped stone tools and ground stone tools. Big Bone Creek is located in Boone County, Kentucky and was disturbed by Warren K. Moorehead in 1898 on behalf of Robert S. Peabody. The human remains and funerary objects were transferred to the RSPI

(then known as the Phillips Academy Department of Archaeology) when it was founded in 1901.

There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The RSPI has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 20 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Shawnee Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the RSPI must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The RSPI is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22891 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6634; NPS–WASO–NAGPRA–
NPS0041360; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Intended Repatriation: Indianapolis Museum of Art, Inc. D.B.A. Newfields, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Indianapolis Museum of Art, Inc. D.B.A. Newfields intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jennifer Gallatin Rigsby, Indianapolis Museum of Art, Inc. D.B.A. Newfields, 4000 Michigan Road, Indianapolis, IN 46208–3326, email jrigsby@discovernewfields.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Indianapolis Museum of Art, Inc. D.B.A. Newfields, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 18 cultural items have been requested for repatriation. The 18 unassociated funerary objects are pipes, bannerstone, gorget, stone tools, and projectile points. One of the unassociated funerary object, a shell gorget, was excavated from Hamilton County, Tennessee. One of the unassociated funerary object, a circular shell gorget with scalloped edges, was excavated from Meigs County, Tennessee. One of the unassociated funerary object, a pipe bowl with

human face and otter figure, was excavated from Sullivan County, Tennessee. Eleven of the unassociated funerary objects, projectile points, was excavated from Tennessee and Marion County, Kentucky. One of the unassociated funerary objects, a platform pipe, was excavated from Mason County, Kentucky. One of the unassociated funerary objects, a elbow pipe, was excavated from, Etowah County, Alabama. One of the unassociated funerary objects, a elbow pipe, was excavated from Tennessee. One of the unassociated funerary objects, a bannerstone, was excavated from Kentucky.

Determinations

The Indianapolis Museum of Art, Inc. D.B.A. Newfields has determined that:

- The 18 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Indianapolis Museum of Art, Inc. D.B.A. Newfields must determine the most appropriate requestor prior to

repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Indianapolis Museum of Art, Inc. D.B.A. Newfields is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22904 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6627; NPS–WASO–NAGPRA–
NPS0041358; PPWOCRADN0–PCU00RP14.
R50000]

Notice of Intended Repatriation: Indianapolis Museum of Art, Inc. D.B.A. Newfields, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Indianapolis Museum of Art, Inc. D.B.A. Newfields intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jennifer Gallatin Rigsby, Indianapolis Museum of Art, Inc. D.B.A. Newfields, 4000 Michigan Road, Indianapolis, IN 46208, email jrigsby@discovernewfields.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Indianapolis Museum of Art, Inc. D.B.A. Newfields, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 11 cultural items have been requested for repatriation. The 11 unassociated funerary objects are gorget, scepters, effigies, and hooks. Five of the unassociated funerary objects were excavated from a burial on the bank of Duck River near Painted Rock on the farm of Banks Links in Humphreys County, Tennessee. Three of the unassociated funerary objects were excavated from a burial in Humphreys County, Tennessee. Three of the unassociated funerary objects were excavated from a mound near the Cumberland River in Trigg County Kentucky.

Determinations

The Indianapolis Museum of Art, Inc. D.B.A. Newfields has determined that:

- The 11 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; Shawnee Tribe; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Indianapolis Museum of Art, Inc.

D.B.A. Newfields must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Indianapolis Museum of Art, Inc. D.B.A. Newfields is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22902 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6601; NPS–WASO–NAGPRA–NPS0041334; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Henry L Ferguson Museum, Fishers Island, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Henry L Ferguson Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Elizabeth McCance, Henry L Ferguson Museum, P.O. Box 554, Fishers Island, NY 06390, email emccance@fergusonmuseum.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Henry L Ferguson Museum, and additional information on the determinations in this notice, including the results of

consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual, have been identified. The two associated funerary objects are one musket ball (bullet) showing evidence of dental imprints and one paint pot. Skeleton found in the 1920s or early 1930s when workers were widening the road near the Fort Wright gate on Fishers Island, NY. With it were found a fragment of a brass object, a limonite paint cup, and a lead bullet. (Only the cranium and mandible, along with the lead bullet and the paint cup, have been located in the Museum's collection.) There are no associated hazardous substances. Cultural affiliation has been reasonably identified with the Mashantucket Pequot Indian Nation, the Narragansett Indian Tribe, and the Shinnecock Indian Tribe.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Henry L Ferguson Museum has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Mashantucket Pequot Indian Tribe; Narragansett Indian Tribe; and the Shinnecock Indian Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization

not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Henry L. Ferguson Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Henry L. Ferguson Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22878 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6646; NPS-WASO-NAGPRA-
NPS0041380; PPWOCRADN0-
PCU00RP14.R50000]

Notice of Inventory Completion: University of Alabama Museums, Tuscaloosa, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Alabama Museums has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. William Bomar, Executive Director, University of Alabama

Museums, Box 870340, Tuscaloosa, AL 35487, email bbomar@ua.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Alabama Museums, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 11 individuals have been identified. The three lots of associated funerary objects are ceramic sherds, lithics, shell, shell beads, and faunal bone. Severe storms and flooding in Alabama resulted in a Presidentially declared major disaster on May 21, 2020, with an incident period from February 5, 2020, through March 6, 2020. Moundville Archaeological Park was affected by the storms and the University of Alabama requested funding from FEMA to repair slope damage to Mound U. The slope on Mound U, along the Black Warrior River, slid exposing human remains due to saturation of soil by heavy rain that occurred from February to March 2020. The exposed human remains were recovered from the surface on March 4, 2020, and August 5, 2020, and taken to the Erskine Ramsey Repository where they are currently housed.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The University of Alabama Museums has determined that:

- The human remains described in this notice represent the physical remains of 11 individuals of Native American ancestry.
- The three lots of associated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana;

Mississippi Band of Choctaw Indians; Seminole Tribe of Florida; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; and The Seminole Nation of Oklahoma with letters of support from the Alabama-Coushatta Tribe of Texas and the Jena Band of Choctaw Indians.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the University of Alabama Museums must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Alabama Museums is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 20, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22922 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6647; NPS-WASO-NAGPRA-
NPS0041381; PPWOCRADN0-
PCU00RP14.R50000]

Notice of Inventory Completion: University of Alabama Museums, Tuscaloosa, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Alabama Museums has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. William Bomar, Executive Director, University of Alabama Museums, Box 870340, Tuscaloosa, AL 35487, email bbomar@ua.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Alabama Museums, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, four individuals have been identified. No associated funerary objects are present. Between 2014 and 2016, human remains representing, at minimum, four individuals were found eroding out of the shoreline from Site 1Tu500, the Moundville site, during efforts to stabilize the shoreline abutting the site. In the late 1980s a small portion of the shoreline near the Jones Conference Center was stabilized as part of a US Army Corps of Engineers (USACE) project. That effort served its function, protecting the site by maintaining the integrity of the shoreline.

However, the portion of the riverbank upstream, near the mouth of Carthage Branch experienced erosion at an accelerated rate; much faster than in the past 85 years (based on comparisons of georeferenced aerial imagery dating back to 1938). The high terrace on which the site is located is comprised of beds of gravelly sand and clay deposits. An apparent shift in the thalweg has caused the undercutting of the bank and large slumps occurred as the differential weathering of clay and sands created overhangs. A clay shelf lies at the base of the submerged slope and a shift in the main current resulted in rapid deterioration since sometime after 2009.

On November 5, 2014, one individual was found eroding from the shoreline. Two sets of human remains were also found in January 2015 and another set of human remains were found in April 2016. The exposed remains were only portions of the burials which remain in the riverbank.

Moundville, a large mound complex on the banks of the Black Warrior River whose occupation spans the Late Woodland and the West Jefferson phase through the Moundville I, II, and III phases, and terminates in the Late Mississippian/Protohistoric Moundville IV phase, has been the subject of two centuries of archaeological inquiry. No known individuals were identified. No associated funerary objects are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The University of Alabama Museums has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Mississippi Band of Choctaw Indians; Seminole Tribe of Florida; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma with letters of support from the Alabama-Coushatta Tribe of Texas and the Jena Band of Choctaw Indians.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the University of Alabama

Museums must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The University of Alabama Museums is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 20, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22923 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6618; NPS-WASO-NAGPRA-NPS0041353; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: County of Los Angeles, Department of Parks and Recreation, Alhambra, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the County of Los Angeles, Department of Parks and Recreation (LA County Parks) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Chester Kano, Deputy Director, Planning and Development Agency, County of Los Angeles, Department of Parks and Recreation, 1000 South Fremont Avenue, Unit #40, Alhambra, CA 91803, email ckano@parks.lacounty.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of LA County Parks, and additional information on the determinations in this notice, including the results of consultation, can be found

in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 39 lots of unassociated funerary objects and 1,750 objects of cultural patrimony (1,739 lots plus 11 boxes of cultural items) have been requested for repatriation.

The 39 lots of unassociated funerary objects are shells. The 1,750 objects of cultural patrimony include two lots of bone, 11 lots of botanical material, 30 lots of ceramic material, 102 lots of charcoal/charred wood, 316 of faunal remains, 520 lots of flaked stone, 460 lots of ground/polished/pecked stone, 124 lots of other, 16 lots of radiocarbon samples, 74 lots of soil, two lots of exotic stone (manuport), one lot of noncultural material, 76 lots charcoal/charred wood, one lot of igneous rock, one lot of granite, one lot of unknown, one lot of quartz, one lot of potential seeds, seven boxes of mano and metate fragments, two boxes of fire affected rock and metate fragments, one box of charcoal, bone, debitage, and other small objects, and one box with a metate.

Between the years of 1994–2005, artifacts were removed from CA–LAN–192, the Lovejoy Springs site within Stephen Sorensen Park, in Los Angeles County, CA. All excavations were associated with the development of Stephen Sorensen Park. The 1994–1996 excavations, referred to as the Salvage Excavation, were done by R. W. Robinson Consulting Archaeologist and professor at Antelope Valley College along with a group of his students and volunteers. The 2004 excavations, referred to as the Effects Assessment, the 2005 excavations, referred to as the Emergency Excavation, and a subsequent 2025 excavation, referred to as Phase II Monitoring, was done by Applied Earthworks, Inc. (AE). The collections have been placed on deposit, and remain, at the Antelope Valley Indian Museum (AVIM).

All work performed by AE was summarized in the report, *Final Eligibility and Effects Assessment at CA–LAN–192*, by Barry A. Price, Jay B. Lloyd, Sandra S. Flint, Mary Clark Baloian, Michael Mirro, Randy Baloian, David Earle, and Alan Garfinkel, prepared for Rincon Consultants, Inc. This report stated that the Tataviam (Takic), occupied the vicinity of the Santa Clarita Valley at the time of first contact with Europeans ([AVIM] n.d.; Padon and Love 2004).

Additionally, ethnographers and tribal citizens have documented CA–LAN–192 as the Serrano village of

Tameobit. During a driving tour of Serrano Ancestral Territory in 1918, Santos Manuel told ethnographer, John Peabody Harrington that Tameobit meant “at the knees” and Harrington recorded its location near Lovejoy Buttes (King, 2004: 83). In addition, archaeologists describe the Lovejoy Springs site as “an intensively used site containing deep midden deposits, burials, and evidence of continuous or frequent seasonal occupation (Mason, et al, 2018:30).”

These records, combined with communication and consultation with representatives of the Yuhaaviatam of San Manuel Nation (also known as the San Manuel Band of Mission Indians) and the non-federally recognized Fernandeano Tataviam Band of Mission Indians, were relied upon to identify cultural affiliation and character of the items listed above.

Determinations

LA County Parks has determined that:

- The 39 lots of shell unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- The 1,750 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Yuhaaviatam of San Manuel Nation (*previously* listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice

under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the LA County Parks must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. LA County Parks is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22898 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6651; NPS–WASO–NAGPRA–NPS0041384; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Denver Museum of Anthropology, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Denver Museum of Anthropology intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dena Sedar, University of Denver Museum of

Anthropology, 2000 E Asbury Avenue, Sturm Hall 146, Denver, CO 80210, email dena.sedar@du.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Denver Museum of Anthropology (DUMA), and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural items have been requested for repatriation. The two sacred objects are one basketry tray (DU ID# 2019.6.14) and one basketry bowl (DU ID# 2019.6.19) acquired in southern Arizona by Father James O'Brien and Colleen Anderson in 1979. The O'Brien and Anderson collection was bequeathed to Lon D. Anderson, who donated the collection to DUMA in 2019.

The two objects of cultural patrimony are ceramic bowls (DU ID# 2017.1.22 and 2017.1.25) acquired by Allene and Charles Mueldener in the 20th century and bequeathed to William Mueldener, who donated the collection to DUMA in 2017.

Determinations

The DUMA has determined that:

- The two sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- The two objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the DUMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The DUMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 20, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22926 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6626; NPS-WASO-NAGPRA-NPS0041357; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, National Park Service, Pu'uhonua o Hōnaunau National Historical Park, Hōnaunau, HI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Pu'uhonua o Hōnaunau National Historical Park (PUHO) intends to carry out the disposition of human remains removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains in this notice may occur on or after January 15, 2026. If no claim for disposition is received by December 16, 2026, the human remains in this notice will become unclaimed human remains.

ADDRESSES: Send written claims for disposition of the human remains in this notice to Paul Scolari, Pu'uhonua o Hōnaunau National Historical Park, P.O. Box 129, Hōnaunau, HI 96726, email paul_scolari@nps.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PUHO, and additional information on the human remains or cultural items in this notice, including the results of consultation, can be found in the related records.

Abstract of Information Available

Based on the information available, human remains representing one individual have been reasonably identified. No associated funerary objects are present. The remains were identified during damage assessments conducted at PUHO after a high surf event affected west facing shores of Hawai'i Island lasting Friday January 17th through Sunday January 19th, 2025. During these assessments a single human bone fragment was identified above the high tide line among surf deposited sand and cobble rubble at Keone'ele Cove, Hōnaunau ahupua'a, Hawai'i County, HI.

Determinations

PUHO has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The following Native Hawaiian organizations have priority for disposition of the human remains described in this notice: Ah Tou 'Ohana; Akana 'Ohana (Namakaeha); Casuga 'Ohana (Kalohi); Freitas 'Ohana (Kekuewa, Moanauli); Galieto 'Ohana (Kelepolo); Hua 'Ohana; Kauhahiao 'Ohana (Kelekolio); Keakealani 'Ohana (Maunu); Kekuewa 'Ohana (Moanauli); Lindo 'Ohana, Medeiros 'Ohana (Kalalahua); Ramos 'Ohana (Kahikina); Na Hoa Aloha o Ka Pu'uhonua o Hōnaunau; Office of Hawaiian Affairs; and Protect Keopuka Ohana.

Claims for Disposition

Written claims for disposition of the human remains in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by

December 16, 2026, the human remains in this notice will become unclaimed human remains. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows that they have priority for disposition.

Disposition of the human remains in this notice may occur on or after January 15, 2026. If competing claims for disposition are received, PUHO must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the human remains are considered a single claim and not competing claims. PUHO is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22901 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6624; NPS–WASO–NAGPRA–NPS0041355; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Arizona State Museum, University of Arizona (Arizona State Museum), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and

associated funerary objects in this notice to Cristin Lucas, Arizona State Museum, 1013 East University Boulevard, Tucson, AZ 85721–0026, email lucasc@arizona.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Arizona State Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The one associated funerary object is a ceramic pitcher. On an unknown date prior to June 1933, one individual and their associated funerary object was recovered from an unknown Salado site in the vicinity of Roosevelt Lake (AZ U:8:—Roosevelt Lake vicinity), in either Gila or Maricopa County, Arizona. In June 1933, the individual and their funerary object were donated to ASM. No additional information is available from archival records housed at ASM. No known individuals have been identified.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Arizona State Museum has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River

Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Arizona State Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Arizona State Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22900 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6614; NPS–WASO–NAGPRA–NPS0041345; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, National Park Service, Salinas Pueblo Missions National Monument, Mountainair, NM

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Salinas Pueblo Missions National Monument (SAPU) intends to

repatriate a certain cultural item that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after January 15, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Kathy Faz Garcia, Superintendent, Salinas Pueblo Missions National Monument, 105 South Ripley Avenue, P.O. Box #517, Mountainair, NM 87036, email Kathy_Faz_Garcia@nps.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Superintendent, SAPU, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The unassociated funerary object is one miniature ceramic vessel.

During a 2024 review of SAPU museum exhibits and associated documentation, an object that had been on display in the Gran Quivira Museum was found to be listed on a 2003 Unassociated Funerary Object Inventory. The miniature vessel (SAPU 3406) had been identified as missing in previous museum collections inventories. It is unknown how it ended up on display. The object was excavated as part National Park Service permitted archeological research at Mound 7 at Gran Quivira (LA 120/SAPU 2.12) by Alden Hayes in 1965–1967. The vessel's provenience was recorded as Room 12, subfloor, Burial 73 within Mound 7. It was cataloged on April 8, 1966. The unassociated funerary object is in the physical custody of the National Park Service at Salinas Pueblo Missions National Monument in Mountainair, New Mexico, and has been taken off display. The unassociated funerary object is not known to have been treated with a hazardous substance.

The unassociated funerary object is from the same accession and provenience as unassociated funerary objects repatriated in 2004. These were determined through consultation as well as a cultural affiliation study to be culturally affiliated with the Hopi Tribe of Arizona; Piro-Manso-Tiwa Indian

Tribe of the Pueblo of San Juan de Guadalupe; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Sandia, New Mexico; Santo Domingo Pueblo; Pueblo of Taos, New Mexico, Ysleta del Sur Pueblo; and the Zuni Tribe of the Zuni Reservation, New Mexico. Consultation specific to this vessel on March 11, 2025, confirmed the Ancestral Puebloan affiliation of the object, including the Ysleta del Sur Pueblo of Texas.

Determinations

SAPU has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains, and is connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural item described in this notice and the Ysleta del Sur Pueblo.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, SAPU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. SAPU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22889 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6619; NPS–WASO–NAGPRA–NPS0041349; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Kansas, Lawrence, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Kansas has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Thomas Torma, The University of Kansas, Office of Audit Risk and Compliance, 1450 Jayhawk Blvd., 351 Strong Hall, Lawrence, KS 66045, email t-torma@ku.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Kansas, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. Museum records indicate that the ancestor was collected from a woodrat's nest in Granite County, MT, and accessioned into the paleontology collection at the Biodiversity Institute. In 1996, the Biodiversity Institute & Natural History Museum transferred

custody of this collection to the Museum of Anthropology. The Museum of Anthropology was closed in 2002 and the collection then was transferred back to the Biodiversity Institute & Natural History Museum.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The University of Kansas has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Shoshone-Bannock Tribes of the Fort Hall Reservation.

Requests for Repatriation

Written requests for repatriation of the human remains objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the University of Kansas must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The University of Kansas is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22893 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6630; NPS-WASO-NAGPRA-NPS0041363; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Tonto National Forest, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of Agriculture, Forest Service, Tonto National Forest (Tonto National Forest) has completed an inventory of human remains and associated funerary objects and determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Neil Bosworth, Tonto National Forest, 2324 E McDowell Road, Phoenix, AZ 85006, email neil.bosworth@usda.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Tonto National Forest, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. No associated funerary objects are present. On June 29, 1954, Frances S. and Alan P. Olson recorded AZ O:11:19(ASM) in Gila County, Arizona. The site was described as a surface scatter of ceramic sherds and lithic materials associated with the Central Arizona Tradition. No ancestral remains were reported. A surface collection sample was conducted by the Olsons and brought to the Arizona State Museum on an unknown date. In 2010, isolated remains consistent with human

remains were located within site survey collection boxes housed at ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The two associated funerary objects are a ceramic jar and a ceramic bowl. In 1929, AZ O:15:1(ASM)/AR-03-12-06-54 was encountered by the Gila Pueblo Archaeological Foundation (Gila Pueblo) at the junction of Rye and Deer Creeks in Gila County, Arizona. The site was described by Gila Pueblo as a four-to-five-story pueblo featuring more than 300 rooms and ascribed to Hohokam/Salado archaeological traditions. Between 1929 and 1930, numerous burials were excavated and retained by Gila Pueblo. On March 16, 1931, a donation of collected cultural items from this site was made to ASM by Gila Pueblo. On December 16, 1950, Gila Pueblo collections not previously dispositioned by the organization were donated to ASM by Mr. and Mrs. Harold S. Gladwin. AZ O:15:1(ASM)/AR-03-12-06-54 was previously reported in a 1996 Notice of Inventory Completion and 1998 Amendment under the name "Rye Creek Ruin." No known individual has been identified.

Based on the information available, human remains representing, at least, 21 individuals have been reasonably identified. The 51 associated funerary objects are a lithic biface, a ceramic bowl, bulk faunal bone, bulk flaked stone, bulk ground stone, bulk shell, lithic projectile points, botanical samples, ceramic sherds, and a ceramic vessel. From July 9 to October 5, 1971, AZ O:15:31(ASM)/AR-03-12-06-582 was excavated by ASM as part of a Highway Salvage Program. The site was described as a large Hohokam Colonial Period habitation site located on a small ridge north of Hardt Creek and east of Jake's Corner in Gila County, Arizona. On April 17, 1972, collections from AZ O:15:31(ASM)/AR-03-12-06-582 were received by ASM. This site was previously included in a 1996 Notice of Inventory Completion under the name "Ushklish Ruin." No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. No associated funerary objects are present. In 1988 and 1989, AZ O:15:52(ASM) was excavated in Gila County, Arizona as part of the Rye Creek Testing and Mitigation Project by Desert Archaeology. The site was described as a small Hohokam pit house village located southwest of Rye Creek on the northern terrace of Deer Creek. On April 1, 1990, ancestral remains were loaned

to the ASM Human Identification Laboratory for the purpose of documentation. On June 10, 1992, all other project collections were accessioned by ASM via repository agreement. On November 5, 1999, ancestral remains and funerary objects, were repatriated to the Salt River Pima-Maricopa Indian Community (DP-1999-8). In 2014, additional remains consistent with ancestral remains were located by ASM staff in bulk faunal collections associated with this project. No known individuals have been identified.

Based on the information available, human remains representing, at least, four individuals have been reasonably identified. The 15 associated funerary objects are ceramic bowls, ceramic jars, ceramic pitchers, organic material, and ceramic sherds. On an unknown date prior to September 1929, AZ O:15:8(ASM)/AR-03-12-04-106 was recorded and excavated by John Hughes and George Dennis for Gila Pueblo Archaeological Foundation (Gila Pueblo) in Gila County, Arizona. The site, located southeast of Payson on a small hill overlooking Round Valley to the northeast, was described as a two-to-three-story Sinagua pueblo of at least 150 contiguous and isolated rooms. On December 16, 1950, Gila Pueblo collections not previously dispositioned by the institution were donated to ASM by Mr. and Mrs. Harold S. Gladwin. Collections from this site were previously published in a 1996 Notice of Inventory Completion and a 1998 Amendment under the name "Round Valley Ruin." No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The four associated funerary objects are ceramic sherds and a drilled, ceramic sherd. On an unknown date prior to January 8, 2001, an individual was inadvertently encountered in a road cut of Forest Service Road 202 between Q Ranch and Bottle Springs from a location designated as AZ P:—Q Ranch Road. On January 8, 2001, ancestral remains and associated cultural items were received by ASM from the Southwest Bird Laboratory. No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The two associated funerary objects are a ceramic bowl fragment and a lithic flake fragment. From October 11 to October 24, 1981, AZ P:9:6(ASM)/AR-03-12-04-445 was excavated by the Cultural Resource Management Division of ASM at the request of the Arizona

Department of Transportation. The site was located south of the Mogollon Rim and east of Christopher Creek on a low terrace east of an unnamed tributary of Hunt Creek in Gila County, Arizona. AZ P:9:6(ASM)/AR-03-12-04-445 was described as a low-density lithic and sherd scatter belonging to the Sinagua archaeological tradition. On October 22, 1981, collections from this site were accessioned by ASM. Collections from this site were previously published in a 1996 Notice of Inventory Completion and a 1998 Amendment. No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The one associated funerary object is a lot of ceramic sherds. On May 29, 1972, a site designated as AZ U:12:21(ASM) was encountered in Gila County, Arizona, during the Pinto Valley Archaeological Project. AZ U:12:21(ASM) was described as a small Salado compound with adjoining rooms and a circular, kiva-like structure. A disturbed funerary feature was encountered during the project survey, and fragmentary ancestral remains and associated items were recovered. From November 1972 to May 1988, ASM received objects and documentation from the project under an accession agreement. In 2009, ancestral remains and associated funerary belongings were identified in site survey boxes housed at ASM. No known individual has been identified.

Based on the information available, human remains representing, at least, 34 individuals have been reasonably identified. The 32 associated funerary objects are bone awls, ceramic bowls, bulk faunal bone, bulk flaked stone, bulk shell, a ceramic figurine fragment, miscellaneous debitage, stone palettes, stone projectile points, ceramic sherds, and reconstructable ceramic vessels. AZ U:6:23(ASM)/AR-03-12-03-66, located in Maricopa County, Arizona, was excavated between March and June 1990 by Archaeological Consulting Services, Ltd., as part of the Water Users Project. The site was defined as a Sedentary period Hohokam settlement consisting of at least nine mounds with associated lithic and ceramic scatters, one cemetery area, and five discrete funerary features. On May 20, 1990, collections from the project were received by ASM via repository agreement. In 1997 and 2015, additional remains consistent with human remains were identified in bulk faunal collections at ASM. AZ U:6:23(ASM)/AR-03-12-03-66 was previously reported in a 1996 **Federal Register** Notice of Inventory Completion under the name

"Water Users' Site." No known individuals have been identified.

Based on the information available, human remains representing, at least, five individuals have been reasonably identified. No associated funerary objects are present. AZ U:6:40(ASM)/AR-03-12-03-51, located in Maricopa County, Arizona, was recorded as a Hohokam site containing a possible ball court, at least one pit house, 32 trash mounds, and sherd and lithic scatters. On June 1, 1990, Archaeological Consulting Services, Ltd. collected five surface samples from mounds at this site as part of the Water Users Project. No excavations were conducted, and no funerary features or belongings were reported. On November 8, 1991, collections from the project were received by ASM under a repository agreement. In November 2014, bone fragments consistent with human remains were located in the project's bulk faunal collections housed at ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual has been reasonably identified. No associated funerary objects are present. On an unknown date in the 1950s, isolated ancestral remains were encountered on the ground surface of a sandy wash on the dam side of Roosevelt Lake (AZ U:8:—Roosevelt Lake), in either Gila or Maricopa County, Arizona. Based on the geographic area of recovery, it is believed the individual is associated with Hohokam or Salado archaeological traditions. On September 20, 2004, the ancestral remains were received as an anonymous donation by ASM. No additional information is available from records housed at ASM.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The seven associated funerary objects are ceramic bowls and ceramic jars. On an unknown date prior to March 20, 1929, AZ U:8:480(ASM)/AR-03-12-06-0058 was encountered in Gila County, Arizona by John Hughes and George Dennis for the Gila Pueblo Archaeology Foundation (Gila Pueblo). Nineteen Salado funerary features were encountered, and one individual and their funerary items removed. On December 16, 1950, Gila Pueblo collections not previously dispositioned by the institution were donated to ASM by Mr. and Mrs. Harold S. Gladwin. AZ U:8:480(ASM)/AR-03-12-06-0058 was previously reported in a 1996 **Federal Register** Notice of Inventory Completion under the name "Keystone Ruin." No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The five associated funerary objects are a ceramic bowl, shell bracelet fragments, and a stone palette fragment. On an unknown date prior to February 2, 1929, AZ U:8:56(ASM) was encountered in Gila County, Arizona by George Dennis for the Gila Pueblo Foundation (Gila Pueblo). The site was then recorded on February 2, 1929, by Harold S. Gladwin. From December 1930 to February 1931, John Hughes, George Dennis, and Emil Haury carried out excavations at the site for Gila Pueblo. AZ U:8:56(ASM) featured 14 semi-subterranean houses and one room of stone masonry ascribed to Hohokam or Salado archaeological traditions. Additionally, the site featured two refuse mounds and two cemetery areas. A total of 32 mortuary features were identified, and one individual and their associated funerary belongings were removed as part of Gila Pueblo's excavations. It is unclear from archival records if additional ancestral remains were recovered during this work. On December 16, 1950, Gila Pueblo collections not previously dispositioned by the institution were donated to ASM by Mr. and Mrs. Harold S. Gladwin. AZ U:8:56(ASM) was previously reported in a 1996 **Federal Register** Notice of Inventory Completion under the name "Grapevine Springs." No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. No associated funerary objects are present. From October 29 to 30, 1984, AZ V:1:166(ASM) in Gila County, Arizona was surveyed and recorded as part of the Sierra Ancha Project. The site, located south of Banning Wash and east of Cherry Creek on a small prominence, was described as a Mogollon or Salado pueblo of at least 23 contiguous rooms of cobble masonry walls. Looting disturbances were reported in most rooms, and ancestral remains were located on the surface of the north slope of the site. On October 12, 1998, ancestral remains recovered during the project were received by ASM. No known individual has been identified.

Based on the information available, human remains representing, at least, two individuals have been reasonably identified. No associated funerary objects are present. In January 1982, AZ V:1:167(ASM) was surveyed and recorded as part of the Sierra Ancha Project in Gila County, Arizona. AZ V:1:167(ASM) was described as a Mogollon or Salado cliff dwelling

located in Dripping Springs Canyon in the Sierra Ancha Mountains. The site featured 17 rooms in two groups, including multi-story rooms. Numerous looting disturbances were noted at the site. On December 10, 1998, collections from this project were received by ASM under a repository agreement. No known individuals have been identified.

Based on the information available, human remains representing, at least, two individuals have been reasonably identified. No associated funerary objects are present. On July 17, 1978, AZ V:1:33(ASM)/AR-03-12-05-383 was recorded as part of the Arizona Public Service Cholla-Saguaro Transmission Line Mitigation Project in Gila County, Arizona. AZ V:1:33(ASM)/AR-03-12-05-383 was described as a Mogollon masonry pueblo habitation site located on a bluff above Rock House Creek. The site contained two-to-three room-blocks featuring 50-60 rooms surrounding a plaza area. The plaza and several rooms were noted to be heavily impacted by looting activities, erosion, and asbestos mining. On April 7, 1983, collections from this project were accessioned by ASM and later received on November 15, 1985. Ancestral remains were not reported in the associated project report; however, ancestral remains were recovered from disturbed areas of the site. These individuals were previously reported in a 1996 NIC and a 1998 amendment under the site name "Rock House Pueblo." No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. No associated funerary objects are present. On July 24, 1978, AZ V:1:61(ASM) was recorded as part of the Cholla-Saguaro Transmission Line Mitigation Project in Gila County, Arizona. The site was described as a Mogollon habitation site of cobble and slab construction with an associated ceramic and lithic scatter located south of Campbell Creek and northeast of Forest Service Road 202. AZ V:1:61(ASM) was reported to be heavily disturbed by looting and cattle grazing activities. On April 7, 1983, project collections were accessioned by ASM. In May 2015, isolated remains consistent with human remains were located within the project's bulk faunal collections housed at ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual has been reasonably identified. No associated funerary objects are present. On August 5, 1978, AZ V:1:70(ASM) was recorded as part of

the Cholla-Saguaro Transmission Line Mitigation Project in Gila County, Arizona. The site was described as a Mogollon habitation site featuring two structures of cobble masonry and an associated lithic and sherd scatter situated on an erosional slope above Campbell Bluff, west of the Fort Apache Indian Reservation and south of Campbell Creek. On April 7, 1983, collections from the project were received by ASM. In May 2015, isolated remains consistent with human remains were located in the project's bulk faunal collections housed at ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least, two individuals have been reasonably identified. The 39 associated funerary objects are ceramic bowls, ceramic pitchers, ceramic sherds, bulk lithic debitage, a lithic tool, bulk ground stone, soil samples, pollen samples, and mineral samples. On July 16, 1975, AZ V:5:14(ASM) was recorded by ASM as part of the Cholla-Saguaro Transmission Line Mitigation Project in Gila County, Arizona. From May 16 to August 12, 1977, excavations were conducted at the site. AZ V:5:14(ASM) was described as a part-time Salado habitation site featuring five non-contiguous cobble structures. One funerary feature was recovered. On April 7, 1983, collections associated with the project were accessioned by ASM. In 2015, additional isolated remains consistent with human remains were located within the project's bulk faunal collections housed at ASM. The individual reported during the 1977 fieldwork was included in a 1996 NIC and a 1998 amendment under the site number "AZ V:05:0014(ASM)". No known individuals have been identified.

Based on the information available, human remains representing, at least, six individuals have been reasonably identified. No associated funerary objects are present. From April to August 1977, AZ V:5:49(ASM) was excavated as part of the Cholla-Saguaro Transmission Line Mitigation Project in Gila County, Arizona. The site was described as a north-facing Mogollon rock shelter located on a saddle between two small drainages. Sherd and lithic scatters were recorded within the rock shelter. Collections from the project were accessioned by ASM on April 7, 1983. On May 3, 2000, and May 13, 2015, remains consistent with human remains were located within the project's faunal collections housed at ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least,

one individual have been reasonably identified. No associated funerary objects are present. From June 1, 1981, to July 1, 2004, the Cliff Dwellings of the Sierra Ancha Project was periodically conducted by ASM to relocate cliff dwellings originally recorded by the Gila Pueblo Archaeological Foundation. AZ V:5:61(ASM), a north-facing Mogollon cliff dwelling and associated ceramic scatter, was re-located on the west bank of Coon Creek in Gila County, Arizona. Ancestral remains associated with looting activity were recovered and received by ASM on October 12, 1998, for repatriation. No known individuals have been identified.

Based on the information available, human remains representing, at least, two individuals have been reasonably identified. The 44 associated funerary objects are lithic debitage, ground stone, ceramic sherds, a rock sample, and botanical samples. From April to October 1977, AZ V:9:105(ASM) was excavated as part of the Cholla-Saguaro Transmission Line Mitigation Project. The site was described as a Salado habitation site situated on a northeast-southwest trending ridge west of Devore Wash in Gila County, Arizona. One disturbed funerary feature was excavated and recovered during data recovery. On April 7, 1983, project collections were accessioned by ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least, two individuals have been reasonably identified. The one associated funerary object is a pottery sherd. On June 21, 1977, AZ V:9:108(ASM) was recorded as part of the Cholla-Saguaro Transmission Line Mitigation Project. The site was described as a Salado habitation featuring a 10-room pueblo, artifact scatter, and probable agave pit located in the Upper Devore Wash on a steep granite and limestone ridge in Gila County, Arizona. AZ V:9:108(ASM) was noted to be heavily impacted by looting, erosion, and grazing activities at the time of recording. From October 3 to November 16, 1977, data recovery was conducted at AZ V:9:108(ASM). On April 7, 1983, project collections were accessioned by ASM under a repository agreement. In April 1997, ancestral remains were located within collections housed at ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least, three individuals have been reasonably identified. The six associated funerary objects are ground stone, ceramic sherds, and faunal bone. On July 9, 1971, AZ V:9:13(ASM) was recorded by

ASM as part of an archaeological survey of Tonto National Forest lands slated for land exchange with Cities Service Company of Miami, Arizona. The site was described as a Hohokam campsite including a low refuse mound and associated sherd scatter located on a flat above Miller Springs and northwest of Miami in Gila County, Arizona. From December 20 to December 31, 1971, the site was fully mitigated prior to mining development. Excavation revealed large roasting pits, multiple rock concentrations of various sizes, and three funerary features. On April 1, 1972, project collections were accessioned by ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least, two individuals have been reasonably identified. The four associated funerary objects are a lithic flake, a lithic biface fragment, faunal bone hairpin, ceramic bowl. On July 10, 1971, AZ V:9:14(ASM) was recorded as part of the Pinto Valley Archaeological Project. The site was described as a Salado pueblo compound of cobble construction featuring three rooms and a large plaza located on a ridge at the junction of Gold Gulch and an unnamed tributary in Gila County, Arizona. From March 25 to April 8, 1972, excavation took place at AZ V:9:14(ASM) and one funerary feature was recovered. On April 4, 1972, project collections were accessioned by ASM. In February 1974, a second individual was identified during the inventory of ancestral remains at ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least, three individuals have been reasonably identified. The 17 associated funerary objects are ceramic sherds, lithic chipped stone, ground stone, a shaft straightener, a polishing stone, a ceramic jar, ceramic bowls, a lithic hand stone, lithic cobbles, and lithic manos. On July 17, 1971, AZ V:9:21(ASM) was recorded as part of the Pinto Valley Archaeological Project in Gila County, Arizona. The site was described as a Salado habitation site featuring noncontiguous pueblo rooms constructed of sandstone slab and water-worn cobble masonry. Between July and September 1973, excavations were conducted at AZ V:9:21(ASM) and yielded a long L-shaped rock wall alignment, field check dams, an artifact scatter, and a midden. On April 4, 1972, collections from the project were accessioned by the Arizona State Museum. No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. No associated funerary objects are present. From October 29, 1996, to March 24, 1999, AZ V:9:367(ASM)/AR-03-12-02-78 was excavated by ACS as part of the SR 88 Wheatfields Testing and Data Recovery Project. AZ V:9:367(ASM)/AR-03-12-02-78 was located on a broad ridge northwest of Pinal Creek and immediately north of Gerald Wash in Gila County, Arizona. The site was described as a Late Formative period habitation site. Three funerary features were reported during fieldwork and repatriated by November 2002. In November 2003, collections from this project were accessioned by ASM under a repository agreement. In July 2015, additional remains consistent with human remains were located within the project's bulk faunal collections housed at ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The one associated funerary object is a ceramic bowl. On March 14, 1974, AZ V:9:59(ASM)/AR-03-12-02-206 was identified and recorded by ASM. The site was described as a Salado habitation on a terrace on the west side of Pinal Creek in Gila County, Arizona. From May 7 to August 9, 1974, AZ V:9:59(ASM)/AR-03-12-02-206 was excavated by ASM under the statewide archaeological highway salvage program as part of the Miami Wash Project. On August 9, 1974, collections from the project were accessioned by ASM. No known individuals have been identified.

Based on the information available, human remains representing, at least, six individuals have been reasonably identified. The eight associated funerary objects are faunal bone, chipped lithic stone, shell beads, a ceramic bowl, a vegetation sample, a flotation sample, a rock or mineral fragment. On March 14, 1974, AZ V:9:60(ASM)/AR-03-12-02-207 was recorded by ASM. The site was described as a Salado habitation featuring a two-to-three room cobble pueblo on the west bank of Miami Wash in Gila County, Arizona. From May 30 to June 25, 1974, AZ V:9:60(ASM) was excavated as part of the Miami Wash Project. Two funerary features were reported. On August 9, 1974, collections from the project were received and accessioned by ASM. Between 1974 and 1978, additional human remains were identified within bulk faunal collections during an analysis of faunal remains from this project. On November 6, 2015,

further remains consistent with human remains were located within bulk faunal collections housed at ASM. The site was previously reported in a 1996 NIC and a 1998 amendment under the site name "Multigrade Site". No known individuals have been identified.

Based on the information available, human remains representing, at least, four individuals have been reasonably identified. The five associated funerary objects are shell bracelets. In 1923, Fred Hawley and Norman MacDonald, located AZ V:9:68(ASM) on a north-south oriented ridge northeast of Miami and northwest of Burch, in Gila County, Arizona. The site was described as a Salado habitation featuring a large pueblo with approximately a hundred ground floor rooms and evidence of at least ten rooms of probable two-story construction. Between 1923–1930, the site was periodically excavated by Fred Hawley and family, and Dr. and Mrs. Cron. Funerary features were reported by Fred Hawley and Dr. Cron; however, adequate notes on excavations or specific proveniences were not recorded. On July 4, 1927, partial remains and associated funerary objects were excavated and recovered by Fred Hawley. On an unknown date this individual and their associated funerary belongings were given to Florence Hawley Ellis, daughter of Mr. Hawley. On an unknown date, from an unknown source, ancestral remains were received by the Arizona State Museum prior to August 1953. In 1974, ASM carried out archaeological testing at AZ V:9:68(ASM) as part of the Miami Wash project. No funerary features were reported during this project. On August 9, 1974, collections from the Miami Wash Project were accessioned by ASM. On June 1, 1987, collections excavated by Fred Hawley were donated by Florence Hawley Ellis and accessioned by ASM. In April 2000, additional remains consistent with human remains were identified within faunal collections housed at ASM. No known individuals have been identified.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Tonto National Forest has determined that:

- The human remains described in this notice represent the physical

remains of 113 individuals of Native American ancestry.

- The 244 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a reasonable connection between the cultural items described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Tonto National Forest must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Tonto National Forest is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22907 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6609; NPS–WASO–NAGPRA–NPS0041340; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Yale Peabody Museum, Yale University, New Haven, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Yale Peabody Museum, Yale University, has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Professor Erika Edwards, Interim Director, Yale Peabody Museum, P.O. Box 208118, New Haven, CT 06520–8118, email erika.edwards@yale.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Yale Peabody Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

During or prior to 1868, human remains representing, at least, one individual were removed from the Turners Falls vicinity, Franklin County, Massachusetts and donated to the Sheffield Scientific School of Yale University by Lucy Stoughton of Gill, Massachusetts. The human remains may have been removed by her father, Timothy Stoughton. The human remains later became part of the collections at the Yale Peabody Museum.

Prior to November 13, 1915, human remains representing, at least, four individuals were removed by Edward H. Rogers from burial grounds in the Turners Falls vicinity, Franklin County, Massachusetts.

Subsequently, Rogers removed human remains representing, at least, eight

individuals, between 1915 and 1920, from the Turners Falls vicinity, Franklin County, Massachusetts, which he donated to the Yale Peabody Museum in May 1920.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The Yale Peabody Museum has determined that:

- The human remains described in this notice represent the physical remains of 13 individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Yale Peabody Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Yale Peabody Museum is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22884 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6641; NPS-WASO-NAGPRA-NPS0041372; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice. The human remains were collected at the Fort Mohave Indian School, Mohave County, AZ, and the Sherman Institute, Riverside County, CA.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email jpickering@fas.harvard.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at minimum, one individual was collected at the Fort Mohave Indian School, Mohave County, AZ. The human remains are hair clippings collected from one individual who was recorded as being 15 years old and identified as "Pima." Timothy G. Mackey took the hair clippings at the Fort Mohave Indian School between 1930 and 1933. Mackey sent the hair clippings to George Woodbury, who donated the hair clippings to the PMAE in 1935. No associated funerary objects are present.

Based on the information available, human remains representing, at minimum, two individuals were collected at the Sherman Institute, Riverside County, CA. The human remains are hair clippings collected from one individual who was recorded as being 22 years old and one individual who was recorded as being 17 years old and identified as "Pima." Samuel H. Gilliam took the hair clippings at the Sherman Institute between 1930 and 1933. Gilliam sent the hair clippings to George Woodbury, who donated the hair clippings to the PMAE in 1935. No associated funerary objects are present.

Cultural Affiliation

Based on the available information and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Gila River Indian Community of the Gila River Indian Reservation, Arizona and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribe identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22917 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6623; NPS–WASO–NAGPRA–
NPS0041354; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Inventory Completion: Mercyhurst University, Erie, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Mercyhurst University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Anne Marjenin, Mercyhurst University, 501 East 38th Street, Erie, PA 16546, email nagpra@mercyhurst.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Mercyhurst University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. On an unknown date, likely in the 1970s, the individual was removed from the Oak Harbor Site in Ottawa County, Ohio. On an unknown date, likely in the 1970s, the individual was obtained by Raymond C. Vietzen (1907–1995). Vietzen, an avocational archaeologist, collector, and author, established the Indian Ridge Museum in Elyria, Ohio, and the Archaeological Society of Ohio

(formerly the Ohio Indian Relic Collectors Society). The Indian Ridge Museum, founded in the 1930s, served as Vietzen's laboratory and repository, and it remained in operation until the mid-1990s. After Vietzen's death, the facility fell into disrepair, and most of the items he had acquired and housed at the museum were sold. In 1998, the Ohio Historical Society (presently the Ohio History Connection) removed ancestral human remains and some of the remaining items from the facility and temporarily housed them at the Ohio Historical Society. In October of 2003, these remains were transferred from the Ohio Historical Society to Mercyhurst College (presently Mercyhurst University).

While there is no record regarding potentially hazardous substances having been used to treat the human remains, an unidentified adhesive is present. It is unknown when the adhesive was applied. The human remains may have been treated with an unidentified preservative coating, consolidant, or sealant. It is unknown when this unidentified substance may have been applied.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

Mercyhurst University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cayuga Nation; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior

Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomis Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Omaha Tribe of Nebraska; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Saint Regis Mohawk Tribe; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Tonawanda Band of Seneca; Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; and the Wyandotte Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, Mercyhurst University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Mercyhurst University is responsible for sending a

copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22899 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6602; NPS-WASO-NAGPRA-
NPS0041335; PPWOCRADN0-
PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to David Blackburn, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email NagpraOffice@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of FMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Warm Mineral Springs (8SO19) dates to the late Pleistocene. It was excavated

by amateur and professional archaeologists between the 1950s–1970s. Radiocarbon analysis of charcoal from this site provides the date range 10,000–10,600 BP. The site is a large free flowing mineral water collapsed cave, and the western edge of the spring forms Salt Creek. In the 1960s, John Goggin retrieved Ancestors from the site. There were also artifacts including long bone needles, an antler shaft wrench, and a fossil shark tooth; these artifacts have never been deposited with FLMNH. The Ancestors were sent to Arizona State University (ASU) (not by FLMNH) and were later transferred to FLMNH as part of a larger acquisition. Warm Mineral Springs was previously reported in the 2003 inventory as culturally unaffiliated with an MNI of two and did not report any associated funerary objects. This notice provides an updated MNI of 39, AFO, and cultural affiliation for the collection. Human remains representing, at least, 39 individuals have been identified. The 81 associated funerary objects include pulverized coral dust, coral, lithic material, plant material, and charred woods.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The FMNH has determined that:

- The human remains described in this notice represent the physical remains of 39 individuals of Native American ancestry.
- The 81 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miccosukee Tribe of Indians and the Seminole Tribe of Florida.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization

not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the FMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22879 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6642; NPS-WASO-NAGPRA-
NPS0041373; PPWOCRADN0-
PCU00RP14.R50000]

Notice of Inventory Completion: Robert S. Peabody Institute of Archaeology, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Robert S. Peabody Institute of Archaeology (RSPI) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Ryan J. Wheeler, Robert S. Peabody Institute of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, email rwheeler@andover.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the RSPI, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The 25 associated funerary objects are two lots, faunal remains; five lots, ceramic sherds, pipe fragments, mixed items; 14 lots, chipped stone items; one lot, ground stone items; one lot, botanical materials; and two lots, freshwater shell. The locality, identified in museum records as Mouth of the Kiamichi is located in Red River County, Texas and was disturbed by Warren K. Moorehead and E.S. Byington in 1915 as part of an expedition to Texas for RSPI (then known as the Phillips Academy Department of Archaeology). It is likely that the Mouth of the Kiamichi locality represents Wright Plantation (44RR7) or Fasken Mound (41RR14), which are also known collectively as the Kiamatua Mounds; archaeologists have dated these sites to 900–1250 CE and 1250–1440 CE, respectively, and acknowledge they are ancestral Caddo sites.

There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The RSPI has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 25 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Caddo Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the RSPI must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The RSPI is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22920 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6613; NPS–WASO–NAGPRA–NPS0041344; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Mercyhurst University, Erie, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Mercyhurst University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Anne Marjenin, Mercyhurst University, 501 East 38th Street, Erie, PA 16546, email nagpra@mercyhurst.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Mercyhurst University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. On an unknown date, the individual (VM–056) was removed from an unknown geographic location, possibly in Montgomery County, Ohio. On an unknown date, the individual was obtained by Raymond C. Vietzen (1907–1995). Vietzen, an avocational archaeologist, collector, and author, established the Indian Ridge Museum in Elyria, Ohio, and the Archaeological Society of Ohio (formerly the Ohio Indian Relic Collectors Society). The Indian Ridge Museum, founded in the 1930s, served as Vietzen's laboratory and repository, and it remained in operation until the mid-1990s. After Vietzen's death, the facility fell into disrepair, and most of the items he had acquired and housed at the museum were sold. In 1998, the Ohio Historical Society (presently the Ohio History Connection) removed ancestral human remains and some of the remaining items from the facility and temporarily housed them at the Ohio Historical Society. In October of 2003, these remains were transferred from the Ohio Historical Society to Mercyhurst College (presently Mercyhurst University).

While there is no record regarding potentially hazardous substances having been used to treat the human remains, paper and an unidentified adhesive are present. It is unknown when the paper and adhesives were applied. The human remains may have been treated with an unidentified preservative coating, consolidant, or sealant. It is unknown when this unidentified substance may have been applied.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

Mercyhurst University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.

- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cayuga Nation; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Omaha Tribe of Nebraska; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa

Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Saint Regis Mohawk Tribe; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Tonawanda Band of Seneca; Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; and the Wyandotte Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, Mercyhurst University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Mercyhurst University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-22888 Filed 12-15-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6635; NPS-WASO-NAGPRA-NPS0041367; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Gilcrease Museum, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Gilcrease Museum has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Laura Bryant, Gilcrease Museum, 1400 N. Gilcrease Museum Road, Tulsa, OK 74127, email laura-bryant@utulsa.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Gilcrease Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The 484 associated funerary objects are sherds, daub, bone tools, projectile points, and lithic tools. Harry J. Lemley and S.D. Dickinson excavated these from Kirkham Place (3CL29) in Clark County, AR in December 1938.

The 27 associated funerary objects are ceramic vessels and pipe bowls. Rev. O.N. Wehunt removed these from Jim Williamson Place in Garland County, AR in 1929. Harry J. Lemley acquired these from him at an unknown date.

The 32 associated funerary objects are stone beads, ceramic vessels, lithic tools, and shell gorgets and pendants. In 1900, H.A. McCants removed these from Joe Russell Place (3LA91, 3LA245, 3LA246) in Lafayette County, AR. Harry J. Lemley later acquired these.

The 135 associated funerary objects are ceramic vessels, bone and antler tools, shell ornaments, faunal remains, lithic tools, and pipe bowls. Gamel Smith removed these from Lester's Brother's Place (3LA38, 3LA48) in Lafayette County, AR in the early 20th century. Harry J. Lemley later acquired these.

The 333 associated funerary objects are projectile points, ceramic vessels, sherds, lithic tools, pipe bowls, celts, pendants, ear spools, axes, boatstones,

shells, and corn. Various individuals, including Dan Jenkins, removed items from Battle Place/William Handy Place (3LA0001) in Lafayette County, AR throughout the early 20th century. Harry J. Lemley acquired these at different times in the early to mid-20th century from these individuals.

The 1,864 associated funerary objects are ceramic vessels, sherds, projectile points, beads, pipe bowls, celts, lithic tools, quartz, hammerstones, boatstones, copper ornaments, bone and antler tools, ear spools, pigments, pendants, worked shells, and woven fragments. Harry J. Lemley removed these from Crenshaw Place in Miller County, AR (3MI6) in 1935.

All items above were purchased by the Gilcrease Foundation purchased from Harry J. Lemley in 1955 and later transferred the collection to the City of Tulsa in 1963–1964.

The one associated funerary object is a ceramic vessel. Gregory Perino, a curator at Gilcrease Museum at the time, removed these from Haley Place (3MI11) in Miller County, AR in 1967.

The 50 associated funerary objects are ceramic vessels, sherds, nut or seed fragments, projectile points, and lithic tools. Frank Soday, an avocational archaeologist, removed these from Carroll Givens Mound (3OU27, Soday site 380) in Ouachita County, AR in 1950.

The 90 associated funerary objects are sherds, lithic tools, and projectile points. Frank Soday removed these from Hindman Mound (Soday site 306) in Ouachita County, AR between 1948 and 1950.

The 28 associated funerary objects are projectile points, lithic flakes, shells, quartz, faunal remains, sherds, lithic tools, and a glass fragment. Frank Soday removed these from Freo Island (Soday site 371) in Ouachita County, AR in 1950.

The 59 associated funerary objects are ceramic vessels, sherds, charcoal, lithic tools, shells, and faunal remains. Frank Soday removed these from Matkins Bee Ranch/Stone Trestle Mound (3OU005, Soday sites 369 and 378) in Ouachita County, AR in 1951.

The two associated funerary objects are sherds and projectile points. Frank Soday removed these from Ritchie Place (Soday site 367) in Ouachita County, AR in 1950.

The 80 associated funerary objects are ceramic vessels, sherds, marine shells, turtle shells, antlers, lithic tools, projectile points, and faunal remains. Frank Soday removed these from J. M. Nelson Farm (3UN8, Soday site 325) in Union County, AR between 1948 and 1950.

The three associated funerary objects are sherds and lithic tools. Frank Soday removed these from Lapile Mound Village (Soday site 551) in Union County, Arkansas in 1955.

The three associated funerary objects are sherds and lithic tools. Frank Soday removed these from Watt Mound (3UN18 or 3UN22, Soday site 342) in Union County, AR in 1949.

The material above, as part of Frank and Norma Soday's collection, was purchased by the Thomas Gilcrease Museum Association in 1982 and then gifted to Gilcrease Museum.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The Gilcrease Museum has determined that:

- The 3,191 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Caddo Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the Gilcrease Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Gilcrease Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian

organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 19, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22911 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6621; NPS–WASO–NAGPRA–NPS0041351; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 15, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to David Blackburn, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email NagpraOffice@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Sarasota Bay Mound (8SO44) is a sand burial mound that overlooks Sarasota Bay. It dates to the Weedon

Island (A.D. 450–1000) and Safety Harbor (A.D. 1000–1500) periods. This site includes multiple burials, many disturbed by landscaping and plumbing activities throughout the years. In 1920, Dr. Charles T. McClintock built a house on top of the mound. Consequently, the mound's height was cut down for the house to be built and during this leveling, pottery and human remains were found. In the 1960s, the house was bought by Earl Putnam, a Canadian developer, who agreed to a salvage excavation before condos were built. Ripley P. Bullen of FLMNH came in and led the excavations of this mound, where Ancestors and associated funerary objects were found. Sarasota Bay Mound was previously reported in the 2003 inventory as culturally unaffiliated with an MNI of 10 and did not report any associated funerary objects. This notice provides an updated MNI of 28, AFO, and cultural affiliation for the collection. Human remains representing at least 28 individuals have been identified. The 51 associated funerary objects include shells, pottery, lithics, and plant materials.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The FMNH has determined that:

- The human remains described in this notice represent the physical remains of 28 individuals of Native American ancestry.
- The 51 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miccosukee Tribe of Indians and the Seminole Tribe of Florida.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 15, 2026. If competing requests for repatriation are received, the FMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–22895 Filed 12–15–25; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–759 and 731–TA–1740–1741 (Final)]

Multifunctional Acrylate and Methacrylate Monomers and Oligomers (MAMMOs) From South Korea and Taiwan; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice. December 11, 2025.

FOR FURTHER INFORMATION CONTACT:

Junie Joseph ((202) 205–3363), 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 August 25, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 42984, September 5, 2025). Due to lapse in appropriations and the ensuing cessation of Commission operations, the Commission issued a revised schedule, effective November 25, 2025 (90 FR 55175, December 1, 2025). Due to additional tolling of 21 days by the Department of Commerce, the Commission is again revising its schedule as follows: the prehearing staff report will be placed in the nonpublic record on December 29, 2025; the deadline for filing prehearing briefs is January 6, 2026; requests to appear at the hearing must be filed with the Secretary to the Commission on January 7, 2026; a prehearing conference will be held on January 8, 2026, if deemed necessary; parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than noon on January 12, 2026; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on January 13, 2026; the deadline for filing posthearing briefs and for written statements from any person who has not entered an appearance as a party is January 21, 2026; the Commission will make its final release of information on February 5, 2026; and final party comments are due on February 9, 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 C.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: December 12, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–22938 Filed 12–15–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–626 and 731–TA–1452 (Review)]

Certain Collated Steel Staples From China; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (“the Act”) to determine whether revocation of the antidumping duty order and countervailing duty order on certain collated steel staples from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: September 5, 2025.

FOR FURTHER INFORMATION CONTACT: Alec Resch (202–708–1448), 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:

Background.—On September 5, 2025, the Commission determined that the domestic interested party group response to its notice of institution (90 FR 23364, June 2, 2025) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.¹ Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of these reviews and rules of general application, consult the

Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the reviews has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for these reviews on December 29, 2025. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission’s rules.

Written submissions.—As provided in § 207.62(d) of the Commission’s rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,² and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before 5:15 p.m. on January 5, 2026 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by January 5, 2026. However, should the Department of Commerce (“Commerce”) extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce’s final results is three business days after the issuance of Commerce’s results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s *Handbook on Filing Procedures*, available on the Commission’s website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission’s procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are

extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission’s rules.

By order of the Commission.

Issued: December 11, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–22969 Filed 12–15–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–760–763 and 731–TA–1743–1746 (Final)]

Silicon Metal From Angola, Australia, Laos, Norway, and Thailand; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: December 11, 2025.

FOR FURTHER INFORMATION CONTACT: Jesse Sanchez ((202) 205–2402), 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 25, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 54365, November 26, 2025). Due to the lapse in appropriations, ensuing cessation of Commission operations, and the additional tolling of 21 days by the Department of Commerce, the Commission is revising its schedule as follows: the prehearing staff report will be placed in the nonpublic record on February 5, 2026; the deadline for filing prehearing briefs is February 12, 2026; requests to appear at the hearing must be filed with the Secretary to the

¹ A record of the Commissioners’ votes, the Commission’s statement on adequacy, and any individual Commissioner’s statements will be available from the Office of the Secretary and at the Commission’s website.

² The Commission has found the responses submitted on behalf of KYOCERA SENO Industrial Tools, Inc. to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

Commission on February 13, 2026; a prehearing conference will be held on February 17, 2026, if deemed necessary; parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than noon on February 18, 2026; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on February 19, 2026; the deadline for filing posthearing briefs and for written statements from any person who has not entered an appearance as a party is February 26, 2026; the Commission will make its final release of information on March 11, 2026; and final party comments are due on March 13, 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 C (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 207.21 of the Commission's rules.

By order of the Commission.

Issued: December 11, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–22850 Filed 12–15–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; State Training Provider Eligibility Collection

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 January 15, 2026.

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: Section 122 of Public Law 113–128, the Workforce Innovation and Opportunity Act of 2014 (WIOA), requires states to establish procedures regarding the eligibility of training providers to receive funds through WIOA title 1–B to provide training services in local areas within the state. The Governor or a designated state agency (or state entity) is required to collect this information in order to determine eligibility of training providers and to maintain and to publicly disseminate the state eligible training provider (ETP) list. For additional substantive information about this ICR, see the related notice published in the *Federal Register* on May 7, 2025 (90 FR 19320).

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 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: State Training Provider Eligibility Collection.

OMB Control Number: 1205–0523.

Affected Public: State, Local and Tribal Government.

Total Estimated Number of Respondents: 12,312.

Total Estimated Number of Responses: 12,312.

Total Estimated Annual Time Burden: 8,906 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. 2025–22844 Filed 12–15–25; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Reemployment Services and Eligibility Assessment Program

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 January 15, 2026.

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: DOL uses the information collected in ETA 9128 and ETA 9129 (1) to evaluate state performance in terms of service delivery; and (2) to report on the RESAs, including the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments, actions taken as a result of

individuals not appearing for an assessment (e.g., benefits terminated), results of assessments (e.g., referred to reemployment services, found in compliance with program requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment.

The population served includes claimants who have been determined to be most likely to exhaust their benefits and veterans receiving Unemployment Compensation for Ex-Servicemembers (UCX). It is proposed that the population of claimants who are most likely to exhaust their benefits be reported on the ETA 9128 and the ETA 9129 and separate reports with the same data elements be provided for UCX claimants. These reports will be the ETA 9128 X and the ETA 9129 X. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 13, 2025 (90 FR 20317).

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 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: Reemployment Services and Eligibility Assessment Program.

OMB Control Number: 1205-0456.

Affected Public: State, Local and Tribal Government.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 424.

Total Estimated Annual Time Burden: 1,234 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. 2025-22843 Filed 12-15-25; 8:45 am]

BILLING CODE 4510-FN-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-2026-003]

State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS-PAC); Meeting

AGENCY: Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: We are announcing an upcoming meeting of the State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS-PAC) in accordance with the Federal Advisory Committee Act and implementing regulations.

DATES: The meeting will be on January 7, 2026, from 10 a.m. to 11 a.m.

ADDRESSES: This meeting will be a hybrid of virtual and in person in the Adams Conference Room, 700 Pennsylvania Avenue; Washington, DC 20408. We will send instructions on how to access the meeting to those who register according to the instructions below.

FOR FURTHER INFORMATION CONTACT: Heather Harris Pagán, ISOO Senior Program Analyst, at *SLTPS_PAC@nara.gov* or (202) 357-5351. Contact ISOO at *ISOO@nara.gov*.

SUPPLEMENTARY INFORMATION: This meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulations at 41 CFR 102-3. The Committee will discuss matters relating to the classified national security information program for state, local, tribal, and private sector entities.

Procedures: Members of the public must register in advance for the meeting through the link <https://www.zoomgov.com/meeting/register/CRP6HQpgQOiqriSRZq-vUQ> if they wish to attend. Please notify Heather Harris Pagán if you will be in person.

Merrily Harris,

Committee Management Officer.

[FR Doc. 2025-22946 Filed 12-15-25; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Thursday, December 18, 2025.

PLACE: Board Room, 7th Floor, Room 7B, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314-3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Board Briefing, Share Insurance Fund Quarterly Report.
2. Board Briefing, NCUA's 2026-2027 Budget.

CONTACT PERSON FOR MORE INFORMATION:

Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703-518-6304.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2025-22871 Filed 12-12-25; 11:15 am]

BILLING CODE 7535-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-259, 50-260, and 50-296; NRC-2024-0030]

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Subsequent License Renewal and Record of Decision

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Subsequent Renewed Facility Operating License Nos. DPR-33, DPR-52, and DPR-68 to Tennessee Valley Authority (TVA), for Browns Ferry Nuclear Plant (BFN), Units 1, 2, and 3, respectively. In addition, the NRC has prepared a record of decision (ROD) that supports the NRC's decision to issue Subsequent Renewed Facility Operating License Nos. DPR-33, DPR-52, and DPR-68.

DATES: The Subsequent Renewed Facility Operating License Nos. DPR-33,

DPR–52, and DPR–68 were issued on December 11, 2025.

ADDRESSES: Please refer to Docket ID NRC–2024–0030 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0030. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin ADAMS Public Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Marieliz Johnson, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5861; email: Marieliz.Johnson@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

Notice is hereby given that the NRC has issued Subsequent Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68 to TVA for BFN. TVA is the operator of the facility. Subsequent Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68 authorize operation of BFN by TVA at reactor core power levels not to exceed 3,952 megawatts thermal for each unit, in accordance with the

provisions of the BFN subsequent renewed licenses and technical specifications. Notice is also given that the ROD that supports the NRC's decision to issue Subsequent Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68 is available, and its location is listed in the “Availability of Documents” section of this document.

As discussed in the ROD and the final supplemental environmental impact statement (SEIS), published as NUREG–1437, Supplement 21, Second Renewal, “Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Subsequent License Renewal of Browns Ferry Nuclear Plant, Units 1, 2, and 3, Final Report,” dated August 2025, the final SEIS documents the NRC staff's environmental review, including the determination that the adverse environmental impacts of subsequent license renewal (SLR) for BFN are not so great that preserving the option of SLR for energy planning decision-makers would be unreasonable. The final SEIS conclusion is based on: (1) TVA's environmental impact statement and environmental report, as supplemented by additional information; (2) the NRC staff's consultation with Federal, State, Tribal, and local government agencies; (3) the NRC staff's independent environmental review, which is documented in the final SEIS; (4) the NRC staff's consideration of mitigation measures; and (5) the NRC staff's consideration of comments received from other agencies, organizations, and the public.

BFN is a three-unit boiling water reactor site located in Athens, Alabama. TVA submitted its application for subsequent renewal of the renewed facility operating licenses, “Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses,” on January 19, 2024, as supplemented by letters through May 1, 2025 (see “Availability of Documents” section of this document). The NRC staff has determined that TVA's application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and NRC regulations. As required by the Act and NRC regulations in title 10 of the *Code of Federal Regulations* (10 CFR), the NRC has made the appropriate findings, which are set forth in the subsequent renewed licenses.

A public notice of the NRC's acceptance for docketing of the subsequent renewed license application

and an opportunity for a hearing was published in the **Federal Register** on March 21, 2024 (89 FR 20254). Further, a notice of intent to prepare a site-specific environmental impact statement and conduct environmental scoping was published on April 3, 2024 (89 FR 23056). On August 6, 2024, the NRC updated the Commission's 2013 findings on the environmental effects of subsequent renewal of the operating license of a nuclear power plant via rulemaking. This final rule redefines the number and scope of the environmental issues that must be addressed during the review of each application for license renewal (LR) and specifically considers the environmental effects of SLR. As part of this update, the NRC issued Revision 2 to the LR generic environmental impact statement (GEIS) to account for new information and to address the impacts of initial LR as well as one 20-year period of SLR. The final rule became effective for NRC staff on September 5, 2024. Thereafter, on October 22, 2024, the NRC staff noticed its intent to prepare a plant-specific supplement to the LR GEIS for the BFN SLR application (89 FR 84401). In May 2025, the NRC staff issued a draft SEIS for public comment, providing the preliminary results of the staff's environmental evaluation of the BFN subsequent license renewal application (SLRA). A notice of availability of the draft SEIS was published in the **Federal Register** on May 30, 2025 (90 FR 23074). In July 2025, the NRC staff issued its Safety Evaluation (SE) regarding the BFN SLRA. In August 2025, the NRC staff issued a final SEIS, providing its final evaluation of the environmental impacts of BFN SLR; a notice of issuance was published in the **Federal Register** on August 29, 2025 (90 FR 42272).

For further details with respect to this action, see: (1) TVA's SLRA for BFN, dated January 19, 2024, as supplemented by letters dated through May 1, 2025; (2) the NRC's SE, dated July 18, 2025; (3) the NRC's final SEIS (NUREG–1437, Supplement 21, Second Renewal) for BFN SLR dated August 2025; and (4) the NRC's ROD, issued in September 2025.

II. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS, as indicated.

Document description	ADAMS accession No.
Record of Decision—Subsequent License Renewal Application Review—Browns Ferry Nuclear Plant, Units 1, 2, and 3, dated December 11, 2025.	ML25209A180.
Final Safety Evaluation Related to the SLRA of Browns Ferry Nuclear Plant, Units 1, 2, and 3, dated July 18, 2025.	ML25169A140 (Package).
NUREG–1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 21, Second Renewal, Regarding Subsequent License Renewal of Browns Ferry Nuclear Plant, Units 1, 2, and 3, Draft Report for Comment, date published May 2025.	ML25133A156.
NUREG–1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 21, Second Renewal, Regarding Subsequent License Renewal of Browns Ferry Nuclear Plant, Units 1, 2, and 3, Final Report, date published August 2025.	ML25230A077.
Browns Ferry Nuclear Plant, Units 1, 2, and 3, Application for Subsequent Renewed Operating License, dated January 19, 2024.	ML24019A009 (Package).
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, Supplemental Information—Neutron Fluence Analyses Methodology, dated January 22, 2024.	ML24022A292.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, Second Safety Supplement, dated November 1, 2024.	ML24306A203.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, Third Safety Supplement, dated December 17, 2024.	ML24352A216 (Package).
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, Fourth Safety Supplement, dated February 12, 2025.	ML25043A035.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, Fifth Safety Supplement, dated March 4, 2025.	ML25063A184.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, 10 CFR 54.21(b) Update, dated April 16, 2025.	ML25106A149.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, Sixth Safety Supplement, dated May 1, 2025.	ML25121A174.
NUREG–1437, Revision 2, Volumes 1, 2, and 3, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, dated August 2024.	ML24087A133 (Package).
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, Response to Request for Additional Information, Set #1, dated October 9, 2024.	ML24283A091.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Response to Request for Additional Information, Set #2, dated January 8, 2025.	ML25008A150.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, Response to Proprietary Attached—Request for Confirmation of Information, Set #1, dated February 12, 2025.	ML25043A270.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, Response to Request for Confirmation of Information, Set #2, dated March 26, 2025.	ML25085A283.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Response to Request for Additional Information, Set #3, dated March 28, 2025.	ML25087A216.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Application for Subsequent Renewed Operating Licenses, Response to Request for Confirmation of Information, Set #3, dated April 14, 2025.	ML25104A172.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Response to Request for Additional Information, Set #4, dated April 24, 2025.	ML25114A206.

Dated: December 11, 2025.

For the Nuclear Regulatory Commission.

Michele Sampson,

Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–22840 Filed 12–15–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–132 and K2026–132; MC2026–133 and K2026–133; MC2026–134 and K2026–134]

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:* December 19, 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

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).

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.

II. Public Proceeding(s)

1. *Docket No(s)*: MC2026–132 and K2026–132; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1466 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 11, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher Mohr; *Comments Due*: December 19, 2025.

2. *Docket No(s)*: MC2026–133 and K2026–133; *Filing Title*: USPS Request to Add Priority Mail Express, Priority

Mail & USPS Ground Advantage Contract 1467 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 11, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: December 19, 2025.

3. *Docket No(s)*: MC2026–134 and K2026–134; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1468 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 11, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: December 19, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Kimberly R. Banks,

Secondary Certifying Official.

[FR Doc. 2025–22973 Filed 12–15–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104368; File No. SR–EMERALD–2025–21]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Emerald Options Exchange Fee Schedule To Modify Certain Connection Fees for Stock-Option Order Functionality

December 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act” or “Exchange Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on November 28, 2025, MIAX Emerald, LLC (“MIAX Emerald” or “Exchange”) filed with the Securities and Exchange Commission (“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.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the MIAX Emerald Options Exchange Fee Schedule (“Fee Schedule”) to provide that Members³ and non-Members may receive up to two (2) 1 gigabit (“Gb”) connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order⁴ to an away Trading Center⁵ for execution on behalf of the Exchange.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/miax-options/rule-filings>, and at the Exchange's principal office.

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 Exchange proposes to amend the Fee Schedule so that Members and non-Members may receive up to two (2) 1 Gb connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order to an away Trading Center for execution on behalf of the Exchange.

In sum, Exchange Rule 518(a)(5) provides that “a ‘complex order’ is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the ‘legs’ or ‘components’ of the complex order), for the same account, in a conforming or non-conforming ratio as defined below for the purposes of executing a particular investment strategy.” Exchange Rule 518(a)(5) further provides that a complex order can also be a “stock-option order”, which is an “order to buy or sell a stated number of units of an underlying

³ See Exchange Rule 100.

⁴ See Exchange Rule 518(a)(5).

⁵ See 17 CFR 242.600(b)(106).

security (stock or Exchange Traded Fund Share (“ETF”)) . . . coupled with the purchase or sale of options contract(s) on the opposite side of the market representing either (i) the same number of units of the underlying security . . . , or (ii) the number of units of the underlying stock necessary to create a delta neutral position where the ratio represents the total number of units of the underlying security . . . in the option leg to the total number of units of the underlying security . . . in the stock leg” (referred to herein as a “Stock-Option Order”).

To facilitate the stock leg of a Stock-Option Order, the Exchange relies on certain Members and non-Members on the Exchange to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange. These Members or non-Members aid the Exchange in providing Stock-Option Order functionality. Today, such Members and non-Members must purchase at least a single 1 Gb connection to route such stock order to an away equities Trading Center and pay the applicable \$1,400 per 1 Gb connection.⁶

To encourage participants to provide or continue to provide for the routing of the stock leg of a Stock-Option Order, the Exchange proposes to provide that such participants may receive up to two 1 Gb connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange. As such the Exchange proposes to amend both Sections 5(a)–(b) of the Fee Schedule to provide that “Members [or non-Members] will not be assessed the monthly network connectivity fee for up to two (2) 1 Gb connections so long as the 1 Gb connection is used solely to route the stock portion of Stock-Option Order (as defined in Exchange Rule 518(a)(5)) to an away Trading Center, as defined under the Exchange Act, for execution on behalf of the Exchange.”

Implementation

The proposed fee change is effective beginning December 1, 2025.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with

Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, in that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal is consistent with Section 6(b)(4) of the Act⁹ because it represents an equitable allocation of reasonable dues, fees and other charges among market participants using any facility or system which the Exchange operates or controls.

The Exchange believes the proposed fee waiver is reasonable. By reducing the cost associated with providing routing services for Stock-Option Orders, Members and non-Members will be encouraged to provide or continue to provide such routing services for the stock portion of such orders. The Exchange believes that this will benefit the Exchange’s Stock-Option Order functionality by improved routing flexibility and enhanced competition among exchanges that offer similar functionality, which will also benefit other Members on the Exchange, and, more broadly, investors through enhanced market quality and liquidity for such orders.

The Exchange believes the proposed fee waiver is equitable and not unfairly discriminatory. The Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges and is not unfairly discriminatory in that it applies uniformly to all similarly situated Members and non-Members. Any Member or non-Member that wishes to provide such routing functionality will be eligible for such waiver. Meanwhile, Members and non-Members that are already provide such routing functionality will also be eligible and this proposal will serve as a means to encourage those Members and non-Members to continue to provide stock routing services to other Exchange participants. Further, the proposal will result in reduced fees for Members and non-Members that choose to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange.

The Exchange also believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges and is not unfairly discriminatory as such Members and non-Members play an important role in supporting the Exchange’s Stock-Option Order functionality. These Members and non-Members fulfill a very specific

function for the benefit of all Exchange participants. The Exchange proposes to waive the fees for up to two 1 Gb connections for Members and non-Members that use the connection solely to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange. There are a number of costs associated with providing such routing services and the Exchange believes that this proposal to reduce the overall burden to provide Stock-Option Order routing services to retain or attract more Members and non-Members to do so.

The proposal is equitable and reasonable because it is intended to incentivize participants to provide or continue to provide routing services to the Exchange so that it may offer Stock-Option Order routing functionality to all market participants. The proposed change is designed to encourage participants to provide or continue to provide routing services for Stock-Option Orders by providing them up to two 1 Gb connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange.

Lastly, offering a limited number of connections for no charge as proposed herein is not new or novel. Other exchanges provide a certain number of connections for no charge when those connections are used solely for a specific purpose.¹⁰

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will result in any burden on inter-market competition for the following reasons. A number of other exchanges offer similar stock-option order functionality¹¹ and the proposal would help to provide for robust routing capabilities for the stock

⁶ See Fee Schedule, Sections 5(a)–(b). The Exchange assesses a different fee for 10 Gb ULL connectivity to the primary/secondary facility, as well as different 1 Gb and 10 Gb connectivity fees to the disaster recovery facility. These connections and the amount the Exchange assesses per connection are not subject to this proposal.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ 15 U.S.C. 78f(b)(4).

¹⁰ See, e.g., The Nasdaq Stock Market LLC, General 8: Connectivity, Section 2(b) (providing two connections for free for Third Party Services Direct Connection per client to UTP SIP feeds only); and Cboe BZX Exchange, Inc. Fee Schedule, Physical Connectivity Fees section (providing that “[a] Member that is a registered Lead Market Maker shall have Physical Connectivity Fees waive connected solely to the BZX Equities Disaster Recovery data center for the first twelve month physical connectivity.”).

¹¹ See, e.g., Cboe EDGX Exchange, Inc. Rule 21.20(b) (describing Stock-Option Orders); and Nasdaq Phlx LLC Options 3, Section 14(a)(i).

portion of such orders. There is significant competition for this order flow among options exchanges to attract, retain, and incentivize this order flow. The Exchange believes that this proposal will enhance the Exchange's ability to compete for such order flow by incentivizing Members and non-Members to route the stock portion of a Stock-Option Order, resulting in additional competition among exchanges to the benefit of the markets.

The Exchange does not believe that the proposed rule change will result in any burden on intra-market competition because any Member or non-Member that wishes to provide such routing functionality will be eligible for such waiver. Meanwhile, Members and non-Members that already provide such routing functionality will also be eligible and this proposal will serve as a means to encourage those Members and non-Members to continue to do so. The Exchange does not believe that the proposed changes represent a significant departure from pricing offered by the Exchange's competitors.

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,¹² and Rule 19b-4(f)(2)¹³ thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or 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-EMERALD-2025-21 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-EMERALD-2025-21. 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 also 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-EMERALD-2025-21 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-22863 Filed 12-15-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0354]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 19b-1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission (SEC or "Commission") is soliciting comments on the collection of information summarized below. The Commission

plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 19(b) of the Investment Company Act of 1940 (the "Act") (15 U.S.C. 80a-19(b)) authorizes the Commission to regulate registered investment company ("fund") distributions of long-term capital gains made more frequently than once every twelve months. Accordingly, rule 19b-1 under the Act (17 CFR 270.19b-1) regulates the frequency of fund distributions of capital gains. Rule 19b-1(c) states that the rule does not apply to a unit investment trust ("UIT") if it is engaged exclusively in the business of investing in certain eligible securities (generally, fixed-income securities), provided that: (i) the capital gains distribution falls within one of five categories specified in the rule¹ and (ii) the distribution is accompanied by a report to the unitholder that clearly describes the distribution as a capital gains distribution (the "notice requirement").² Rule 19b-1(e) permits a fund to apply to the Commission for permission to distribute long-term capital gains that would otherwise be prohibited by the rule if the fund did not foresee the circumstances that created the need for the distribution. The application must set forth the pertinent facts and explain the circumstances that justify the distribution.³ An application that meets those requirements is deemed to be granted unless the Commission denies the request within 15 days after the Commission receives the application.

Commission staff estimates that one fund will file an application under rule 19b-1(e) each year.⁴ The staff understands that if a fund files an application it generally uses outside counsel to prepare the application. The cost burden of using outside counsel is discussed in Item 13 below. The staff estimates that, on average, a fund's investment adviser would spend approximately 4 hours to review an application, including 3.5 hours by an assistant general counsel at a cost of

¹ 17 CFR 270.19b-1(c)(1).

² The notice requirement in rule 19b-1(c)(2) supplements the notice requirement of section 19(a) [15 U.S.C. 80a-19(a)], which requires any distribution in the nature of a dividend payment to be accompanied by a notice disclosing the source of the distribution.

³ Rule 19b-1(e) also requires that the application comply with rule 0-2 [17 CFR 270.02] under the Act, which sets forth the general requirements for papers and applications filed with the Commission pursuant to the Act and rules thereunder.

⁴ This estimate is based on the average number of applications filed with the Commission pursuant to rule 19b-1(e) in the prior three-year period.

¹² 15 U.S.C. 78s(b)(3)(A)(ii).

¹³ 17 CFR 240.19b-4(f)(2).

¹⁴ 17 CFR 200.30-3(a)(12).

\$510 per hour and 0.5 hours by an administrative assistant at a cost of \$89 per hour, and the fund's board of directors would spend an additional 1 hour at a cost of \$4,770 per hour, for a total of 5 hours.⁵ Thus, the staff estimates that the annual hour burden of the collection of information imposed by rule 19b-1(e) would be approximately five hours per fund, at a cost of \$6,599.50.⁶ Because the staff estimates that, each year, one fund will file an application pursuant to rule 19b-1(e), the total burden for the information collection is 5 hours at a cost of \$6,599.50.

Commission staff estimates that there is no hour burden associated with complying with the collection of information component of rule 19b-1(c). This estimate assumes that UITs using rule 19b-1(c) do not have their own employees or staff and that the mechanics of the notice requirement would be handled by a UIT sponsor or trustee as an accommodation for the UIT. As such, the costs related to this aspect of the collection of information are captured in the external cost estimates below.

As noted above, Commission staff understands that funds that file an application under rule 19b-1(e) generally use outside counsel to prepare the application.⁷ The staff estimates that, on average, outside counsel spends 10 hours preparing a rule 19b-1(e) application, including eight hours by an associate and two hours by a partner. Outside counsel billing arrangements and rates vary based on numerous factors, but the staff has estimated the average cost of outside counsel as \$531 per hour, based on information received from funds, intermediaries, and their counsel. The staff therefore estimates that the average cost of outside counsel

preparation of the rule 19b-1(e) exemptive application is \$5,310.⁸ Because the staff estimates that, each year, one fund will file an application pursuant to rule 19b-1(e), the total annual cost burden imposed by the exemptive application requirements of rule 19b-1(e) is estimated to be \$5,310.

The Commission staff estimates that there are approximately 1,779 UITs that may rely on rule 19b-1(c) to make capital gains distributions.⁹ The staff estimates that, on average, these UITs rely on rule 19b-1(c) once a year to make a capital gains distribution.¹⁰ In most cases, the trustee of the UIT is responsible for preparing and sending the notices that must accompany a capital gains distribution under rule 19b-1(c)(2). These notices require limited preparation, the cost of which accounts for only a small, indiscrete portion of the comprehensive fee charged by the trustee for its services to the UIT. The staff believes that as a matter of good business practice, and for tax preparation reasons, UITs would collect and distribute the capital gains information required to be sent to unitholders under rule 19b-1(c) even in the absence of the rule. The staff estimates that the cost of preparing and distributing a notice for a capital gains distribution under rule 19b-1(c)(2) is approximately \$50.¹¹ Thus, the staff estimates that the capital gains distribution notice requirement imposes an annual cost on UITs of approximately \$88,950.¹² The staff therefore estimates that the total cost imposed by rule 19b-1 is \$94,260.¹³

⁸ This estimate is based on the following calculation: 10 hours multiplied by \$531 per hour equals \$5,310.

⁹ See 2022 Investment Company Fact Book, Investment Company Institute, available at https://www.icifactbook.org/pdf/2022_factbook.pdf (detailing the number of taxable debt and tax-free debt UITs presented in Table 14).

¹⁰ The number of times UITs rely on the rule to make capital gains distributions depends on a wide range of factors and, thus, can vary greatly across years and UITs. UITs may distribute capital gains biannually, annually, quarterly, or at other intervals. Additionally, a number of UITs are organized as grantor trusts, and therefore do not generally make capital gains distributions under rule 19b-1(c), or may not rely on rule 19b-1(c) as they do not meet the rule's requirements.

¹¹ Although the \$50 estimate is consistent with prior renewals it is possible that the actual costs have decreased over time as a result of electronic automation or other efficiencies. In an abundance of a caution, and for purposes of this Paperwork Reduction Act renewal, we are assuming on a conservative basis that this cost has not changed.

¹² This estimate is based on the following calculation: 1,779 UITs multiplied by \$50 equals \$88,950.

¹³ This estimate is based on the following calculation: \$88,950 (total cost associated with rule 19b-1(c)) + \$5,310 (total cost associated with rule 19b-1(e)) = \$94,260.

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.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Rutenberg via email to PaperworkReductionAct@sec.gov by February 17, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: December 12, 2025.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-22945 Filed 12-15-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104372; File No. SR-SAPPHIRE-2025-42]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New Selective Liquidity Auto Purge ("SLAP") Feature

December 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 1, 2025, MIAX Sapphire, LLC ("MIAX Sapphire" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁵ The estimate for assistant general counsels is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and inflation and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead. The estimate for administrative assistants is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and inflation and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead. The staff previously estimated in 2009 that the average cost of board of director time was \$4,000 per hour for the board as a whole, based on information received from funds and their counsel. Adjusting for inflation, the staff estimates that the current average cost of board of director time is approximately \$4,770.

⁶ This estimate is based on the following calculations: \$1,785 (3.5 hours × \$510 = \$1,785) plus \$44.5 (0.5 hours × \$89 = \$44.5) plus \$4,770 equals \$6,599.50 (cost of one application).

⁷ This understanding is based on conversations with representatives from the fund industry.

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 Exchange Rule 519C, Mass Cancellation of Trading Interest, to adopt new selective mass order cancellation functionality that will be available via the MEO Interface.³

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/miax-sapphire/rule-filings>, and at the Exchange's principal office.

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 Exchange proposes to amend Rule 519C, Mass Cancellation of Trading Interest, to adopt a new Selective Liquidity Auto Purge ("SLAP") feature, which provides more granular mass cancellation functionality. Currently, Members⁴ may submit a mass cancellation request via the MEO Interface using the Liquidity Mass Cancel Request message. The Liquidity Mass Cancel Request message contains a Mass Cancel Scope field which allows the Member to determine the behavior following the mass

cancellation of orders. For example, populating the Mass Cancel Scope field with an "A" will instruct the System⁵ to cancel all open binary orders and block all subsequent binary orders (including immediate orders); populating the field with a "D" will instruct the System to cancel all open binary orders and block all subsequent binary orders (excluding immediate orders).⁶

The Exchange now proposes to adopt new paragraph (e) to Exchange Rule 519C, to adopt the SLAP feature. The SLAP feature, the use of which is optional, will provide more granular mass cancellation functionality by allowing users to mass cancel specific groups of orders as determined by the Member on an order-by-order basis. Orders submitted via the MEO Interface may optionally contain one or more SLAP codes from 1 through 8.⁷ Each individual order can be part of eight (8) unique SLAP groups identified by their SLAP code (numbered 1 through 8).⁸

To remove orders with a SLAP code, a SLAP request is sent to the System containing the MPID,⁹ underlying, and SLAP code of the orders to be removed from the System. Following completion of processing the SLAP request all new inbound orders with matching criteria submitted to the System will be blocked. The System will provide a notification to the requestor upon receipt of the SLAP request and another upon completion of the SLAP request. A SLAP reset request must be submitted to the System to resume entry of orders for the same MPID, underlying, and SLAP code. Orders received for the same MPID, underlying, and SLAP code prior to a SLAP reset will be rejected. Intermarket Sweep Orders¹⁰ and orders

with a time in force of immediate-or-cancel ("IOC")¹¹ will not be eligible to receive a SLAP code.

To facilitate SLAP processing the Exchange has amended and enhanced existing MEO messages. Specifically, Members will use the Standard Order—New message in MEO to send an order to the System. A new field, "SLAP Codes," has been added to the message, which will allow the Member to identify the order with a SLAP Code of 1 through 8, as desired. A Member will use the Liquidity Mass Cancel Request message in MEO to remove orders with the designated SLAP Code. The Mass Cancel Scope field of the Liquidity Mass Cancel Request message has been enhanced to include new value "S" to indicate that the Liquidity Mass Cancel Request is a Selective Liquidity Auto Purge ("SLAP request"). The Liquidity Mass Cancel Request message also includes the corresponding field, "SLAP Codes," for Members to identify the SLAP Codes of the orders that are being cancelled.

The System will notify the Member that the SLAP request has been received by providing the Member with a new SLAP Protection Trigger Notification message. The System will then notify the Member that the SLAP request has been processed using the existing Liquidity Mass Cancel Response message. Additionally, the Liquidity Mass Cancel Response message has been modified to include new responses specifically related to SLAP requests to provide Members with more specific information regarding the status of their SLAP request should it not be successfully executed.

The Member will submit the existing Liquidity Protection Reset Request message to re-enable the System to process orders with a SLAP code. The Liquidity Protection Reset Request message has been enhanced to include a "Scope" field where a value of "S" indicates the reset is for SLAP. Additionally, the Liquidity Protect Reset Request message includes a SLAP Codes

⁵ The term "System" means the automated trading system used by the Exchange for the trading of securities. See Exchange Rule 100.

⁶ See Section 4.1.5, Liquidity Mass Cancel Request, in the MIA Express Orders, Binary Orders for Trading Options, MEO Interface Specification, version 1.1e (8/13/2024), available online at https://www.miaxglobal.com/sites/default/files/job-files/Sapphire_MIAX_Express_Orders_MEO_v1.1e_0.pdf.

⁷ Orders may contain multiple SLAP codes.

⁸ The Exchange notes that there is no limit on the number of orders that may be included in a SLAP group.

⁹ The term "MPID" means unique market participant identifier. See Exchange Rule 100.

¹⁰ An Intermarket Sweep Order or "ISO", as defined in Rule 1400(i), is a limit order that is designated by a Member as an ISO in the manner prescribed by the Exchange, and is executed within the System by Members without respect to Protected Quotations of other Eligible Exchanges as defined in Rule 1400(q) and (g). ISOs are immediately executable within the System and shall not be eligible for routing. ISOs that are not designated as immediate or cancel will be cancelled by the System if not executed upon receipt.

³ The MIA Express Order (MEO) Interface a messaging interface that MIAX Sapphire Members use to submit binary orders for trading on the Sapphire Options Market. See MIA Express Orders, Binary Orders for Trading Options, MEO Interface Specification, version 1.1e (8/13/2024), available online at https://www.miaxglobal.com/sites/default/files/job-files/Sapphire_MIAX_Express_Orders_MEO_v1.1e_0.pdf.

⁴ The term "Member" means an individual or organization that is registered with the Exchange pursuant to Chapter II of the MIAX Sapphire Options Exchange Rulebook for purposes of trading on the Exchange as an "Electronic Exchange Member" or "Market Maker." Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

Simultaneously with the routing of an ISO to the System, one or more additional limit orders, as necessary, are routed by the entering Member to execute against the full displayed size of any Protected Bid or Protected Offer, as defined in Rule 1400(p), in the case of a limit order to sell or buy with a price that is superior to the limit price of the limit order identified as an ISO. These additional routed orders must be identified as ISOs. An ISO is not valid during the Opening Process described in Rule 503. See Exchange Rule 516(f).

¹¹ An immediate-or-cancel order is an order that is to be executed in whole or in part upon receipt. Any portion not so executed is cancelled. An immediate-or-cancel order is not valid during the Opening Process described in Rule 503. See Exchange Rule 516(e).

field to allow a reset for specific SLAP code groups.

The SLAP code is an additional, optional, field in the Standard Order—New message and as such Members may (i) include a SLAP code on an order; (ii) modify an order that does not contain a SLAP code to assign a SLAP code; (iii) modify an order that has a SLAP code to change it to a different SLAP code; or (iv) modify an order that contains a SLAP code to remove it.

To implement the SLAP feature the Exchange proposes to adopt new paragraph (e) to Rule 519C, Mass Cancellation of Trading Interest, to provide that a Member may use the Selective Liquidity Auto Purge (“SLAP”) feature for orders delivered via the MEO Interface. Orders submitted to the System may optionally contain one or more SLAP codes numbered 1 through 8. When a Member submits a SLAP request, orders with the corresponding MPID, underlying, and SLAP code will be removed from the System and new inbound orders with matching criteria will be blocked. The System will provide notification messages to the Member regarding the status of the SLAP request. A Member must submit a SLAP reset request to the System to enable new incoming orders for the same MPID, underlying, and SLAP code. Intermarket Sweep Orders and orders with a time in force of IOC are not eligible to receive a SLAP code.

The Exchange has analyzed its capacity and represents that it has the necessary systems capacity to handle the potential additional message traffic that may arise from the cancellation of open orders as a result of a SLAP request being received.

Implementation

The Exchange proposes to implement this functionality in Q1 of 2026 and will announce the implementation date of the proposed rule change to Members via Regulatory Circular.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Section 6(b)(5) of the Act,¹³ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to

remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange also believes the proposed rule change is consistent with the Section 6(b)(5)¹⁴ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed changes remove impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest by providing Members with a customizable mass cancellation mechanism.

The ability of a Member to engage the SLAP feature is a valuable tool in assisting Members in risk management. Without adequate risk management tools Members could reduce the size of their quotations and orders which could undermine the quality of the markets available to customers and other market participants. The proposed rule change removes impediments to and is designed to perfect the mechanisms of a free and open market by giving Members the ability to further refine their risk protections from an option class level to a specific subset of Member defined groups. Accordingly, the SLAP feature is designed to provide Members with greater control over their orders in the market, thereby removing impediments to and helping to perfect the mechanisms of a free and open market and a national market system and, in general, protecting investors and the public interest. In addition, providing Members with more tools for managing risk will facilitate transactions in securities because, as noted above, Members will have more confidence that protections are in place that reduce the risks from market events. As a result, the new functionality has the potential to promote just and equitable principles of trade.

The proposed rule change removes impediments to and is designed to perfect the mechanisms of a free and open market by giving Members more granular control over their orders by allowing Members to create custom groupings of orders by MPID and underlying, and additional criteria, such as option or side of the market (buy or sell), by assigning up to eight different SLAP codes to each order. This flexibility allows Members to group specific subsets of their orders based on their own risk requirements. The ability to group orders allows for the flexibility

to submit cancel requests for a subset of open orders tailored to varying levels of risk tolerance.

The Exchange believes the proposed changes remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, and promote a fair and orderly market by excluding Intermarket Sweep Orders and orders with a time in force of IOC from SLAP functionality. Intermarket Sweep Orders are used to prevent locked and crossed markets from occurring¹⁵ and it is in the public interest for markets to remain uncrossed to promote competition and price discovery. Orders with a time in force of IOC are executed immediately with any remaining balance cancelled, therefore these orders do not rest on the Electronic Book¹⁶ and as such do not require risk protection that is provided to resting orders.

The Exchange believes the proposed changes remove impediments to and perfects the mechanism of a free and open market and a national market system and, in general, protects investors and the public interest by providing Members with an additional risk management tool. Members who are Market Makers¹⁷ have a heightened obligation on the Exchange and are obligated to submit continuous two-sided quotations in a certain number of series in their appointed classes for a certain percentage of time in each trading session,¹⁸ rendering them vulnerable to risk from market conditions. Additionally, Electronic Exchange Members¹⁹ may also submit a large volume of orders that rest on the Electronic Book also rendering them vulnerable and at risk to market conditions.

The Exchange notes that the proposed rule change will not relieve Exchange

¹⁵ See *supra* note 10.

¹⁶ The term “Electronic Book” means the Exchange’s Simple Order Book and Strategy Book. See Exchange Rule 100. The “Simple Order Book” is the Exchange’s regular electronic book of orders and quotes. See Exchange Rule 100. The “Strategy Book” is the Exchange’s electronic book of complex orders. See Exchange Rule 100.

¹⁷ The term “Market Maker” or “MM” means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of the MIAAX Sapphire Options Exchange Rulebook. See Exchange Rule 100.

¹⁸ See Exchange Rule 605(d).

¹⁹ The term “Electronic Exchange Member” or “EEM” means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ *Id.*

Market Makers of their continuous quoting obligations under Exchange Rule 605²⁰ or any other obligation under the Rules of the Exchange, or any obligations arising under Reg NMS Rule 602.²¹ Nor will the proposed rule change prohibit the Exchange from taking disciplinary action against a Market Maker for failing to meet their continuous quoting obligation each trading day.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will foster competition by providing Members with the ability to specifically customize their use of the Exchange's risk management tools in order to compete for executions and order flow.

Additionally, the Exchange believes that the proposed rule change should promote competition as it is designed to allow Members greater flexibility and control of their risk exposure to protect them from market conditions that may increase their risk exposure in the market. The Exchange does not believe the proposed rule change will impose a burden on intra-market competition as the optional risk protection feature is equally available to all Members of the Exchange.

The Exchange believes that the proposed rule change should promote inter-market competition as the proposal is designed to allow Members greater flexibility and control over their risk exposure in order to protect them from market risk or events that may increase their exposure in the market. Additionally, the proposed rule change should instill additional confidence in market participants that submit orders to the Exchange that there are adequate risk protections in place, and thus should encourage market participants to submit additional order flow to the Exchange, thereby promoting inter-market competition.

For all the reasons stated, 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, and believes the proposed change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act²² and Rule 19b-4(f)(6) thereunder.²³ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act²⁴ and Rule 19b-4(f)(6)²⁵ thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁶ of the Act to determine whether the proposed rule change 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

²² 15 U.S.C. 78s(b)(3)(A)(iii).

²³ 17 CFR 240.19b-4(f)(6).

²⁴ 15 U.S.C. 78s(b)(3)(A).

²⁵ Rule 19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁶ 15 U.S.C. 78s(b)(2)(B).

- Send an email to rule-comments@sec.gov. Please include file number SR-SAPPHIRE-2025-42 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-SAPPHIRE-2025-42. 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-SAPPHIRE-2025-42 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷

Sherry R. Haywood,

Assistant Secretary.

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BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104365; File No. SR-CBOE-2025-082]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Offer a Free Trial for Certain Ad-Hoc Historical Data

December 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 3, 2025, Cboe Exchange, Inc. (the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is

²⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

²⁰ See Exchange Rule 605(d).

²¹ 17 CFR 242.602.

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

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend its Fee Schedule to (i) rename the "Open-Close" data to "End-of-Day Open-Close"; and (ii) offer a free trial for up to six months for ad-hoc historical data requests for its End-of-Day Open-Close Data ("EOD Open-Close Data") to all Cboe Trading Permit Holders ("TPHs") and non-TPHs, who have not previously subscribed to EOD Open-Close Data or previously received a free trial. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/options/regulation/rule_filings/bzx/), 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

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend its Fee Schedule to (i) rename the "Open-Close" data to "End-of-Day Open-Close"; and (ii) offer a free trial for up to six months for ad-hoc historical data requests for its EOD Open-Close Data, to all Cboe Trading Permit Holders ("TPHs")³ and non-TPHs, who have not previously subscribed to EOD Open-Close Data or previously received a free trial. The free trial is effective beginning November 24 [sic], 2025. The Exchange also seeks to remove language from its

Fee Schedule language providing a 20% discount for the purchase of historical ad hoc Open-Close Data totaling \$20,000 or more, from April 23, 2025 through June 30, 2025, because this period has now expired.

Currently, the Exchange's Fee Schedule notes that it offers, for a fee, "Open Close" data, which is meant to denote the Exchange's offering of End-of-Day Open-Close data. For the sake of clarity, the Exchange now proposes to amend the name of this data set from "Open Close" to "End-of-Day Open-Close."

By way of background, the Exchange currently offers End-of-Day ("EOD") and Intraday Open-Close Data (collectively, "Open-Close Data"). EOD Open-Close Data is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed. Additionally, the Exchange seeks to amend its Fee Schedule to rename the "Open-Close" data to "End-of-Day Open-Close."

The Intraday Open-Close Data provides summary level data of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. The Intraday Open-Close Data provides options transaction data that is captured in snapshots taken in 10-minute intervals during the trading day. This data is then made available to subscribers within five minutes of the conclusion of the 10-minute interval period. The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close Data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers

may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Free Trial

Currently, the Exchange offers a free trial for historical ad hoc requests of Intraday Day Open Close Data for up to six months to all TPHs and non-TPHs who have not previously subscribed to EOD Open-Close Data or previously received a free trial. The Exchange now seeks to establish the same free trial for historical ad hoc requests for EOD Open-Close Data. Both the EOD Open-Close Data and Intraday Open-Close Data is available to all customers at the same price and in the same manner. The current charge ad hoc requests for historical End-of-Day Open-Close Data for all Cboe Securities (Equities, Indexes, and ETFs) is \$600 per month, for one to four years, and \$300 per month for five or more years. Similarly, the current charge for historical ad hoc Intraday Open-Close Data is \$1000 per month.

The Exchange believes the proposed trial will serve as an incentive for new subscribers who have never purchased EOD Open-Close Data to start purchasing such data. Particularly, the Exchange believes it will give potential subscribers the ability to use and test the data offering before signing up for additional months. The Exchange also notes another exchange offers a free trial for new subscribers of a similar data product.⁴ Lastly, the purchase of EOD Open-Close Data is discretionary and not compulsory.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁵ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁶ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect

³ The terms "Trading Permit Holder" and "TPH" have the meaning set forth in the Bylaws. See Rule 1.1.

⁴ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A, Market Data.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes the proposed free trial of EOD Open-Close Data will further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The Exchange’s EOD Open-Close Data is designed to help investors understand underlying market trends to improve the quality of investment decisions. Indeed, subscribers to the data may be able to enhance their ability to analyze option trade and volume data and create and test trading models and analytical strategies. The Exchange believes its EOD Open-Close Data provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading and as noted above, is entirely optional. Moreover, as noted at least one other exchange offers a similar data product which offer same type of data content through end-of-day or intraday report.⁸

The Exchange also operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, 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.”⁹ Making similar data products available to market participants fosters

competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchange’s data product as more or less attractive than the competition they can and do switch between similar products. The proposed free trials are a result of the competitive environment, as the Exchange seeks to adopt a fee waiver to attract future purchasers of its EOD Open-Close Data.

The Exchange believes that the proposed free trial for any TPHs or non-TPHs who have not previously purchased EOD Open-Close Data or received a free trial is reasonable because such users would not be subject to fees for up to 6 months’ worth of EOD Open-Close Data. The Exchange believes the proposed free trial is also reasonable as it will give potential subscribers the ability to use and test the EOD Open-Close Data prior to purchasing additional months and will therefore encourage and promote new users to purchase the EOD Open-Close Data. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all TPHs and non-TPHs who have not previously purchased EOD Open-Close Data or received a free trial. Also as noted above, another exchange offers a free trial to new users for a similar data product.¹⁰ Lastly, the purchase of this data product is discretionary and not compulsory.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As discussed above, EOD Open-Close Data is subject to direct competition from several other options exchanges that offer substitutes to EOD Open-Close Data. Moreover, purchase of EOD Open-Close is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The proposed rule change is grounded in the Exchange’s efforts to compete

more effectively. The Exchange is proposing to provide a free trial for market participants to test investment strategies and trading models, and develop market sentiment indicators. This change will not cause any unnecessary or inappropriate burden on intermarket competition, but rather will promote competition by encouraging new market participants to investigate the product. Other exchanges are, of course, free to match this change or undertake other competitive responses, enhancing overall competition. Indeed, as discussed, another exchange currently offers a similar free-trial period for similar data.¹¹

The proposed rule change will not cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed rule change will apply to all TPHs and non-TPHs who have never made an ad-hoc request to purchase EOD Open-Close historical data, or received a free trial. Moreover, purchase of EOD Open-Close Data is discretionary and not compulsory.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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) of the Act¹² and paragraph (f) of Rule 19b-4¹³ thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change 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:

¹¹ *Supra* note 6.

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f).

⁷ *Id.*

⁸ *Supra* note 6.

⁹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

¹⁰ *Supra* note 6.

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-CBOE-2025-082 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-CBOE-2025-082. 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-CBOE-2025-082 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-22868 Filed 12-15-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104360; File No. SR-TXSE-2025-001]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Certain Changes to the Governing Documents of the Exchange and Its Parent Company

December 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 8, 2025, Texas Stock Exchange LLC (the

"Exchange" or "TXSE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ 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 filed a proposal to amend and restate: (i) the Fifth Amended and Restated Stockholders' Agreement (the "Stockholders' Agreement") of TXSE Group Inc. ("TXSE Group"), which was filed with the Commission as part of the Exchange's application for registration as a national securities exchange,⁵ as the Sixth Amended and Restated Stockholders' Agreement of TXSE Group;⁶ (ii) the Fourth Amended and Restated Certificate of Incorporation of TXSE Group (the "Certificate of Incorporation"), which was filed with the Commission as part of the Exchange's application for registration as a national securities exchange,⁷ as the Fifth Amended and Restated Certificate of Incorporation of TXSE Group;⁸ and (iii) the First Amended and Restated Limited Liability Company Agreement of Texas Stock Exchange LLC (the "LLC Agreement" or the "Exchange's LLC Agreement"), which was filed with the Commission as part of the Exchange's

application for registration as a national securities exchange,⁹ as the Second Amended and Restated Limited Liability Company Agreement of Texas Stock Exchange LLC.¹⁰ TXSE Group is the parent company of the Exchange and directly owns 100% of the Exchange. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>) at the Exchange's website (<https://txse.com/rule-filings>), 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend and restate the Stockholders' Agreement and Certificate of Incorporation to reflect amendments made in connection with a capital raise by TXSE Group from certain new and existing Stockholders¹¹ (the "Transaction") as further described below, including: (i) amendments related to the creation of the Non-Voting BHC Common Stock; (ii) the authorization and issuance of the Non-Voting BHC Common Stock; (iii) voting

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ The Stockholders' Agreement was filed as Exhibit C-3.a in the Exchange's application for registration as a national securities exchange. See Securities Exchange Act Release No. 103604 (July 31, 2025), 90 FR 37607 (August 5, 2025) (Texas Stock Exchange LLC; Notice of Filing of Amendment No. 2 to an Application for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934).

⁶ The Exchange notes that the Fifth Amended and Restated Stockholders' Agreement will remain in effect until and unless this proposal becomes effective and operative.

⁷ The Certificate of Incorporation was filed as Exhibit C-1.a in the Exchange's application for registration as a national securities exchange. See Securities Exchange Act Release No. 103604 (July 31, 2025), 90 FR 37607 (August 5, 2025) (Texas Stock Exchange LLC; Notice of Filing of Amendment No. 2 to an Application for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934).

⁸ The Exchange notes that the Fourth Amended and Restated Certificate of Incorporation will remain in effect until and unless this proposal becomes effective and operative.

⁹ The LLC Agreement was filed as Exhibit A-3 in the Exchange's application for registration as a national securities exchange. See Securities Exchange Act Release No. 103604 (July 31, 2025), 90 FR 37607 (August 5, 2025) (Texas Stock Exchange LLC; Notice of Filing of Amendment No. 2 to an Application for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934).

¹⁰ The Exchange notes that the First Amended and Restated Limited Liability Company Agreement of Texas Stock Exchange LLC will remain in effect until and unless this proposal becomes effective and operative.

¹¹ "Stockholder" means an owner of shares of TXSE Group who is a party to the Stockholders' Agreement and includes without limitation any owner who, subsequent to the Stockholders' Agreement, acquires any shares of TXSE Group now or hereafter issued by TXSE Group directly from TXSE Group or from a previous owner thereof.

¹⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

construct, convertibility, and the rights and obligations applicable to Non-Voting BHC Common Stock; (iv) the rights and obligations of JPM (as defined below); (v) compliance policies; (vi) amendments to definitions and clean-up changes; (vii) amendments to delete obsolete provisions and language; and (viii) conforming and clarifying amendments. Each of these proposed amendments is discussed below.

Background

A primary purpose of the Exchange's proposal to amend and restate the Stockholders' Agreement and Certificate of Incorporation is to create a new series of Common Stock of TXSE Group, the Non-Voting BHC Common Stock, which is nearly identical (*i.e.*, has the same privileges, preference, duties, liabilities, obligations, and rights) to the existing Non-Voting SLHC Common Stock.¹² This new series of Common Stock is not being sold as part of the Transaction. Rather, it is being created in order to provide a new Stockholder, JPMC Strategic Investments I Corporation ("JPM"), with a way to comply with applicable regulations when exercising its Anti-Dilution Right under the Stockholders' Agreement under certain circumstances as further described below. This proposal also captures the additional changes to both the Stockholders' Agreement and Certificate of Incorporation enumerating JPM's rights and obligations as a Stockholder and proposes certain other changes described below.

The proceeds resulting from the Transaction will be paid to TXSE Group by the new and existing Stockholders participating in the Transaction, and such proceeds will be used by TXSE Group for general corporate expenses, including to support the operations and regulation of the Exchange, which is a subsidiary of TXSE Group. Although each Stockholder's proportionate ownership of TXSE Group may change as a result of the Transaction, no Stockholder will exceed any ownership or voting limitations applicable to the Stockholders set forth in the Stockholders' Agreement or Certificate

of Incorporation after giving effect to the Transaction and the amendments to the Stockholders' Agreement and Certificate of Incorporation proposed herein.¹³ None of the amendments to the Stockholders' Agreement or Certificate of Incorporation proposed herein would impact the governance of TXSE Group or the Exchange.

The Transaction and all amendments to the Stockholders' Agreement and Certificate of Incorporation proposed herein were previously approved by the TXSE Group Board on October 17, 2025, in accordance with the Stockholders' Agreement. The Exchange expects the Transaction to be completed pursuant to one or more closings that would occur on or shortly after the date on which the amendments to the Certificate of Incorporation proposed herein become effective.

Amendments Related to the Creation of the Non-Voting BHC Common Stock

In connection with the Transaction, the proposal would amend the Certificate of Incorporation to create a new series of Common Stock, the Non-Voting BHC Common Stock, and to make certain corresponding changes to the Stockholders' Agreement. Proposed Article FOURTH of the Certificate of Incorporation creates the Non-Voting BHC Common Stock, which is the same type of Stockholder interest (*i.e.*, has the same privileges, preference, duties, liabilities, obligations, and rights) as the existing Non-Voting SLHC Common Stock except that the Non-Voting BHC Common Stock is designed to prevent exceeding regulatory thresholds associated with the U.S. Bank Holding Company Act of 1956, as amended (the "BHCA"), and Regulation Y, while the Non-Voting SLHC Common Stock is designed to prevent exceeding regulatory thresholds associated with the Home Owners' Loan Act of 1933, as amended, and Regulation LL. The purpose of this change is to facilitate JPM's compliance with requirements and restrictions under the BHCA, and amendments to the BHCA regulations issued by the Board of Governors of the Federal Reserve System regarding the framework for determining "control" under the BHCA, as well as interpretations of such amendments by JPM.

¹³ See Section 14 of the Stockholders' Agreement, which sets forth certain limitations with respect to the ownership of TXSE Group. The Exchange notes that the proposal contains an amendment to Section 14, which is described below.

Authorization and Issuance of the Non-Voting BHC Common Stock

Article FOURTH(a) of the Certificate of Incorporation currently contains provisions related to the authorization and issuance of Common Stock in multiple series including Voting Common Stock, Non-Voting Common Stock, Non-Voting SLHC Common Stock, and Preferred Stock (all defined in Articles FOURTH(a)(i) and (ii)) and specifies the rights associated with each type of Equity Security.¹⁴ The Exchange is proposing to amend Articles FOURTH(a) and FOURTH(a)(i) to increase the authorized stock from seventy million (70,000,000) shares to eighty million (80,000,000) shares, to increase the authorized Common Stock from sixty million (60,000,000) shares to seventy million (70,000,000) shares, and to create a new series of Common Stock designated as Non-Voting BHC Common Stock, alongside the existing Voting Common Stock, Non-Voting Common Stock, and Non-Voting SLHC Common Stock. The amendment would provide the rights, preferences, and limitations of the Non-Voting BHC Common Stock, which are generally identical to those of the Non-Voting SLHC Common Stock, except as set forth in Article SIXTH of the Certificate of Incorporation.¹⁵ As proposed and further described below, Article SIXTH(a)(v) provides the circumstances under which Voting Common Stock held by a bank holding company investor will convert into Non-Voting BHC Common Stock to maintain compliance with applicable regulatory thresholds under the BHCA and Regulation Y, and further provides for protective voting rights for amendments that would significantly and adversely affect the rights of such type of Equity Security. Proposed Article SIXTH(a)(v) is substantively identical to current Article SIXTH(a)(iv) relating to Non-Voting SLHC Common Stock.

¹⁴ As provided in the Stockholders' Agreement, the term "Equity Securities" means "any and all shares of Common Stock and any other securities of TXSE Group convertible into, or exchangeable or exercisable for, such shares of Common Stock."

¹⁵ As further described below, the Exchange is proposing to delete Article FIFTH of the Certificate of Incorporation and renumber all subsequent Articles accordingly (*e.g.*, Article SIXTH becomes Article FIFTH, Article THIRTEENTH becomes Article TWELFTH). Therefore, all references in this document to Articles FIFTH through EIGHTEENTH correspond to Articles SIXTH through NINETEENTH, respectively, in the current Certificate of Incorporation.

¹² The Non-Voting BHC Common Stock is identical to Non-Voting SLHC Common Stock except that the Non-Voting BHC Common Stock is designed to prevent exceeding regulatory thresholds associated with the BHCA, as defined herein, and Regulation Y, while the Non-Voting SLHC Common Stock is designed to prevent exceeding regulatory thresholds associated with the Home Owners' Loan Act of 1933, as amended, and Regulation LL. See *Bank Holding Company Act of 1956*, 12 U.S.C. 1841–1852; *Bank Holding Companies and Change in Bank Control (Regulation Y)*, 12 CFR pt. 225; *Home Owners' Loan Act*, 12 U.S.C. 1461–1470; *Savings and Loan Holding Companies (Regulation LL)*, 12 CFR pt. 238.

Voting Construct, Convertibility, and the Rights and Obligations Applicable to Non-Voting BHC Common Stock

Under the proposed changes to the Stockholders' Agreement and Certificate of Incorporation, the voting construct applicable to the Non-Voting BHC Common Stock would mirror the voting construct applicable to the Non-Voting SLHC Common Stock since, as noted above, they are intended to copy the same type of Stockholder interest with all of the same privileges, preference, duties, liabilities, obligations, and rights under the Stockholders' Agreement and Certificate of Incorporation. As such, this proposal includes amendments to Article SIXTH(a)(ii) of the Certificate of Incorporation in order to establish identical voting rights for Non-Voting BHC Common Stock as for Non-Voting SLHC Common Stock. These provisions mirror existing provisions relating to Non-Voting SLHC Common Stock and provide that TXSE Group shall not, without either (i) the written consent of a majority of the outstanding shares of Non-Voting BHC Common Stock or (ii) the affirmative vote of holders of a majority of the outstanding shares of Non-Voting BHC Common Stock, take actions that would "significantly and adversely affect" the Non-Voting BHC Common Stock specifically.

As it relates to convertibility, the proposal would amend Article SIXTH(a)(iii)(D) of the Certificate of Incorporation, which currently discusses conversion of Voting Common Stock to Non-Voting Common Stock and Non-Voting SLHC Common Stock in order to add the ability to convert into Non-Voting BHC Common Stock, which is described in new Article SIXTH(a)(v). The Exchange is further proposing to add Article SIXTH(a)(v)(A) through (F) to the Certificate of Incorporation, which more specifically describe conversion of Voting Common Stock and Non-Voting BHC Common Stock. Proposed Article SIXTH(a)(v) is substantively identical to Article SIXTH(a)(iv) relating to the conversion of Voting Common Stock into Non-Voting SLHC Common Stock, except that the provisions of Article SIXTH(a)(iv) relate to compliance with the Home Owners' Loan Act of 1933, as amended, while proposed Article SIXTH(a)(v) relates to Regulation LL, the BHCA, and Regulation Y.

Proposed Article SIXTH(a)(v)(A) of the Certificate of Incorporation provides that JPM together with its "affiliates" may elect to specify the maximum voting percentage that it may have with respect to its Voting Common Stock (default cap is 4.99%) and provides for

the conversion of Voting Common Stock into Non-Voting BHC Common Stock in certain circumstances to maintain such Stockholder's specified maximum permitted voting percentage with respect to such Equity Securities and outlines the conversion process between Voting Common Stock and Non-Voting BHC Common Stock.¹⁶

¹⁶ The Exchange notes that Section 14 of the Stockholders' Agreement and Article SIXTH of the Certificate of Incorporation set forth certain limitations with respect to the ownership and voting of Equity Securities, which are intended to prevent the concentration of voting power and control of TXSE Group, and, in turn, the Exchange, above certain specified thresholds. Article SIXTH(a) and (b) of the Certificate of Incorporation provide that for so long as TXSE Group controls the Exchange, subject to certain limited exceptions: (i) no Person, either alone or together with its Related Persons, shall be permitted at any time to beneficially own, directly or indirectly, shares of stock of TXSE Group representing in the aggregate more than forty percent (40%) of the then outstanding shares of stock of TXSE Group; (ii) no Member, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, Equity Securities constituting more than twenty percent (20%) of the then-outstanding shares of stock of TXSE Group; and (iii) if any Member, either alone or together with its Related Persons, is party to any agreement, plan, or other arrangement relating to shares of stock of TXSE Group entitled to vote on any matter with any other Person, either alone or together with its Related Persons, under circumstances that would result in shares of stock of TXSE Group that would be subject to such agreement, plan, or other arrangement not being voted on any matter, or the withholding of any proxy relating thereto, where the effect of such agreement, plan, or other arrangement would be to enable any Member, either alone or together with its Related Persons, with the right to vote any shares of stock of TXSE Group, but for this Article SIXTH, to vote, possess the right to vote or cause the voting of shares of stock of TXSE Group that would exceed twenty percent (20%) of the then-outstanding votes entitled to be cast on such matter (assuming that all shares of stock of TXSE Group that are subject to such agreement, plan, or arrangement are not outstanding votes entitled to be cast on such matter) (the "Recalculated Voting Limitation"), then the Member with such right to vote shares of stock of the Corporation, either alone or together with its Related Persons, shall not be entitled to vote or cause the voting of shares of stock of TXSE Group beneficially owned by such Member, either alone or together with its Related Persons, in person or by proxy or through any voting agreement or other arrangement, to the extent that such shares represent in the aggregate more than the Recalculated Voting Limitation, and TXSE Group shall disregard any such votes purported to be cast in excess of the Recalculated Voting Limitation. As defined under Article FIFTH(a)(iv) of the Certificate of Incorporation, the term "Person" shall mean an individual, partnership (general or limited), joint stock company, corporation, limited liability company, trust, or unincorporated organization, or any governmental entity or agency or political subdivision thereof. As defined under Article FIFTH(a)(iv) of the Certificate of Incorporation, the term "Related Person" shall mean (A) in the case of any Person, all "affiliates" (as such term is defined in Rule 12b-2 under the Act) of such Person; (B) a Member, any Person that is associated with the Member as determined using the definition of "person associated with a member" in Section 3(a)(21) of the Act; (C) any two or more Persons that have any agreement, arrangement, or

Proposed Article SIXTH(a)(v)(B) of the Certificate of Incorporation generally provides that the Non-Voting BHC Common Stock will also automatically convert back to Voting Common Stock where such Non-Voting BHC Common Stock is sold or transferred to a non-affiliate third party. Proposed Article SIXTH(a)(v)(C) provides that where TXSE Group provides any special dividends, rights, or tender offer for Voting Common Stock, holders of Non-Voting BHC Common Stock must receive an equivalent benefit. Proposed Article SIXTH(a)(v)(D) provides that where new Voting Common Stock is issued and dilutes a holder's ownership stake, some or all of its Non-Voting BHC Common Stock automatically converts to Voting Common Stock in order to maintain their prior percentage. Proposed Article SIXTH(a)(v)(E) provides that either TXSE Group or the holder can request a standard exchange agreement to formalize a conversion. Proposed Article SIXTH(a)(v)(F) prevents Article SIXTH(a)(v) from being changed or waived without JPM's consent for as long as JPM is a Stockholder. Again, the entirety of proposed new Article SIXTH(a)(v) uses the same structure and mechanics as Article SIXTH(a)(iv) related to Non-Voting SLHC Common Stock, differing only in the regulatory references and investor name. Finally, the Exchange is proposing to amend the Non-Voting Common Stock "Voting Limitation" provisions under Article SIXTH(a)(ii) of the Certificate of Incorporation by

understanding (whether or not in writing), other than the Stockholders' Agreement, to act together for the purpose of acquiring, voting, holding, or disposing of shares of the stock of TXSE Group; (D) in the case of a Person that is a company, corporation, or similar entity, any "executive officer" (as defined under Rule 3b-7 of the Act) or director of such Person and, in the case of a Person that is a partnership or a limited liability company, any general partner, managing member, or manager of such Person, as applicable; (E) in the case of a Person that is a natural person and Member, any broker or dealer that is also a Member with which such Person is associated; (F) in the case of a Person that is a natural person, any relative or spouse of such natural person, or any relative of such spouse who has the same home as such natural person or who is a director or officer of TXSE Group or any of the TXSE Group's parents or subsidiaries; (G) in the case of a Person that is an "executive officer" (as defined under Rule 3b-7 under the Act), or a director of a company, corporation, or similar entity, such company, corporation, or entity, as applicable; and (H) in the case of a Person that is a general partner, managing member, or manager of a partnership or limited liability company, such partnership or limited liability company, as applicable. As defined under Article FIFTH(a)(vi) of the Certificate of Incorporation, a "Member" is any Person that is a registered broker or dealer has been admitted to membership in the national securities exchange known as Texas Stock Exchange LLC or its successor.

adding references to Non-Voting BHC Common Stock.

The Exchange notes that the Non-Voting BHC Common Stock and the Non-Voting SLHC Common Stock may be considered separate classes of Equity Securities due to the naming convention of such Equity Securities (*i.e.*, being referred to as Non-Voting BHC vs. Non-Voting SLHC) and for certain general corporate law purposes (*i.e.*, entitled to vote separately on any matters that affect such Equity Securities specifically). However, as discussed above, the Non-Voting BHC Common Stock are the same type of Stockholder interest (*i.e.*, have the same privileges, preference, duties, liabilities, obligations, and rights) as the Non-Voting SLHC Common Stock. Thus, as noted above, such Equity Securities are functionally equivalent with the only difference between such Equity Securities being the regulatory framework that they are designed to accommodate, which is the reason for the creation of the new Non-Voting BHC Common Stock. Additionally, as noted above, the Non-Voting SLHC Common Stock and the Non-Voting BHC Common Stock are both convertible into Voting Common Stock on the same terms, and, once converted, such shares of Voting Common Stock possess the same rights, other than in respect of voting and conversion rights, and obligations as the shares of Non-Voting SLHC Common Stock and/or Non-Voting BHC Common Stock from which they were converted. As such, ownership of Non-Voting SLHC Common Stock and Non-Voting BHC Common Stock effectively confers the same ownership rights to the holders of any such Equity Securities as it relates to voting and governance of TXSE Group.

Rights and Obligations of JPM

In connection with the Transaction, JPM will become a Stockholder of TXSE Group, and the Exchange is proposing certain changes to the Stockholders' Agreement to make clear JPM's rights and obligations as a Stockholder. As such, the Exchange is proposing to add Section 2(k) of the Stockholders' Agreement to provide JPM with the right to designate one non-voting observer to the TXSE Group Board in a manner nearly identical to those provided to other Stockholders in Sections 2(d), 2(g), and 2(i) and to reduce the number of shares required to trigger such rights to the same number as JPM in such paragraphs. The Exchange is also proposing to reference Section 2(l)(ii) in the "Rights in Control

Transaction" provision under Drag-Along Rights in Section 3(c)(i).

The Exchange is also proposing to add new Section 3(e)(v) to grant JPM anti-dilution rights substantively identical to Section 3(e)(iv) and to amend Section 3(e)(iv) to add reference to the JPM Anti-Dilution Right. The Exchange is also proposing to add new Section 3(e)(vi)(5) to grant JPM the right to exercise its JPM Anti-Dilution Right in a manner substantively identical to Section 3(e)(vi)(4) and to reduce the number of shares required to trigger such rights for other Stockholders in paragraphs (e)(i) through (e)(iv) to the same number as JPM.

The Exchange is also proposing to add Section 3(f)(iii) related to JPM's put right, which is substantively identical to Schwab's¹⁷ put right in proposed Section 3(f)(iv) (previously Section 3(f)(iii)).

The Exchange is also proposing to add Section 3(h) related to JPM's total equity limit, which is substantively identical to Schwab's total equity limit in Section 3(g).

The Exchange is also proposing to amend Section 5(a) to allow a Major Investor or any of its Affiliates to share Confidential Information with its officers, directors, employees, managers and representatives and further to provide that all Confidential Information that constitutes a trade secret will be clearly and conspicuously identified by the Company as such at the time of receipt by the Major Investor; provided that the Company will not provide or disclose any trade secret to the Major Investor without the Major Investor's prior written consent.

The Exchange is also proposing to amend Section 5(b) to exclude the Major Investors from the language stating that the Stockholders agree that the Company may obtain temporary, preliminary or permanent restraining orders, decrees, or injunctions as may be necessary to protect the Company against violations of Section 5 of the Stockholders Agreement.

The Exchange is also proposing to add Section 5(f) related to regulatory disclosure to provide that nothing in the Stockholder Agreement will prevent any Stockholder from disclosing Confidential Information to any regulatory or self-regulatory authority with jurisdiction over it or its Affiliates without notice of any kind.

The Exchange is also proposing to amend Section 5(g) (previously Section 5(f)) to amend the "Survival" clause to

apply for a period of two (2) years following termination of each Stockholder's obligations with respect to confidential information instead of indefinitely.

The Exchange is also proposing to add Section 7(e) to provide equivalent prior written consent requirements to JPM that are provided to other Major Investors (as defined below) in Sections 7(a) through (e).

The Exchange is also proposing to add Section 18 to apply waiver of enforcement provisions to JPM in a manner substantively identical to Section 17.

The Exchange is also proposing to amend existing provisions of the Stockholders' Agreement in order to further enumerate JPM's rights and obligations as follows:

- Amending the "Most Favored Nations" provision in Section 2(m) to add JPM to the provision by replacing Citadel, BlackRock, Schwab, and the Warren Family with the term "Major Investors," a term which, as proposed herein, would include JPM;
- Amending the "Proxy Appointment" provision in proposed Section 2(o) (previously 2(m)) of the Stockholders' Agreement by adding reference to JPM;
- Amending the "Conditions to Transfer by a Stockholder" provision in Section 3(b) by adding reference to JPM;
- Amending the "Agreement to be Bound" provision in Section 3(b)(i)(2) by replacing Citadel, BlackRock, Schwab, and the Warren Family with the term "Major Investors;"
- Amending the "Manner of Payment" provision under Section 3(c)(iii) by providing JPM with substantially similar rights as Schwab;
- Amending the "Failure to Transfer" provision under Section 3(c)(v) by adding reference to JPM;
- Amending the "Opportunity to Join" provision under Tag-Along Rights in Section 3(d)(i) by adding reference to JPM;
- Amending the "Exercises of Anti-Dilution Rights" provision proposed in Section 3(e)(vi)(1) (previously Section 3(e)(v)(1)) by reorganizing and adding reference to Major Investors;
- Amending Section 3(e)(vi)(6) through (8) (previously Section 3(e)(vi)(5) through (7)) in order to provide JPM with comparable rights to other Major Investors and to add language providing an extension to the 30 day window for finalizing any purchases described in Section 3 to obtain the necessary regulatory approval (*e.g.*, an exchange rule filing);
- Amending Section 4(a) to denote JPM's consent right prior to termination

¹⁷ As provided in the Current Stockholders' Agreement, the term "Schwab" means The Charles Schwab Corporation, a Delaware corporation.

of the Stockholders' Agreement pursuant to Section 2(l)(iii);

- Amending Section 5, 5(a), and 5(b) to make clear how such provisions apply to JPM with respect to the "Other Activities, Covenants, and Restrictions" provisions and to make other minor clarifying changes to those provisions;

- Amending Section 6B to apply to JPM by adding reference to Major Investors;

- Amending Section 14 related to "Stockholder Ownership Limitation" to add that JPM may not seek enforcement of Section 14 against any other Stockholder;

- Amending Section 15 related to "Publicity; Name and Logo" to add JPM and JPM Parent; and

- Amending Section 16(b) and (c) related to "Reports; Inspection Rights" to apply to JPM by adding references to Major Investors.

The Exchange is also proposing new Section 19 of the Stockholders' Agreement, which provides each Major Investor the right to designate an individual to participate in any meetings of any informal, non-board advisory group(s) of the Exchange.¹⁸ Any such individual must be an employee of the Major Investor (or any of its Affiliates) and must be approved by the Exchange Board. If such nominee is not approved by the Exchange Board, such Major Investor shall nominate another individual to participate in such meetings and shall continue to have such rights until a nominee is approved by the Exchange Board. Any amendments to proposed Section 19 of the Stockholders' Agreement would require approval of the Major Investors, as provided in proposed Section 7.

The Exchange is proposing to amend Section 2(a) of the Stockholders' Agreement to add JPM alongside Schwab in noting that neither firm may seek enforcement of Section 2(a) against any other Stockholder.

Compliance Policies

The Exchange is also proposing to add new Sections 20 and 21 to the Stockholders' Agreement. Specifically, the Exchange is proposing to add Sections 20(a) and (b), which provide that TXSE Group and its subsidiaries and its and its subsidiaries' respective officers, directors, employees, and agents shall conduct their respective business and comply with all (i) AML Laws, (ii) Sanctions, (iii) Anti-Corruption Laws, and (iv) any beneficial ownership information reporting

requirements of the U.S. Corporate Transparency Act of 2019 and that each of TXSE Group and its subsidiaries shall maintain systems of internal controls, policies, and procedures that are collectively reasonably designed to ensure compliance therewith.

The Exchange is also proposing to add Section 21, "Use of Proceeds," to the Stockholders' Agreement, providing that TXSE Group shall not use the proceeds of any capital investment made by the Stockholders to violate Anti-Corruption Laws or for the purpose of funding, financing, or facilitating any Sanctioned Person or any Sanctioned Country to the extent that such activity would be prohibited by Sanctions applicable to any party hereto.

Amendments to Definitions and Clean-up Changes

The Exchange is also proposing to add definitions to and amend certain definitions in the Stockholders' Agreement of the following terms in Section 1 (*i.e.*, the "Definitions" section of the Stockholders' Agreement): AML Laws;¹⁹ Anti-Corruption Laws;²⁰ BHCA;²¹ JPM;²² JPM Parent;²³ JPM Regulatory Sale;²⁴ Major Investors;²⁵

¹⁹ As proposed, the term "AML Laws" means all laws, rules, and regulations of any jurisdiction applicable to the parties concerning or relating to money laundering and terrorist financing.

²⁰ As proposed, the term "Anti-Corruption Laws" means the UN Convention Against Corruption, the OECD Convention on Combating Bribery of Foreign Public Official in International Business Transactions, the U.S. Foreign Corrupt Practices Act, the UK Bribery Act, or any other anti-bribery or anti-corruption laws and related implementing legislation.

²¹ As proposed, the term "BHCA" means the U.S. Bank Holding Company Act of 1956.

²² As proposed, the term "JPM" means JPMC Strategic Investments I Corporation, a Delaware corporation and its Permitted Transferees.

²³ As proposed, the term "JPM Parent" means JPMorgan Chase & Co., a Delaware corporation.

²⁴ As proposed, the term "JPM Regulatory Sale" means the right of JPM to sell all, but not less than all, of its shares of Common Stock, in the event that there is a material change to the regulatory environment to which the Company or JPM Parent (or any of its Affiliates) is subject that has a material and adverse effect on JPM Parent (or any of its Affiliates) (whether caused by a change in regulation that applies to the Company as of the date hereof or a change in the Company's business activities or direction that subjects it to different or additional regulation or otherwise).

²⁵ As proposed, the term "Major Investors" means (i) the Warren Family, (ii) BlackRock, (iii) Citadel, (iv) Schwab, (v) JPM, and (vi) their respective Permitted Transferees.

Permitted Transfer;²⁶ Sanctions;²⁷ Sanctioned Country;²⁸ Sanctioned Person;²⁹ Transfer;³⁰ and Warren

²⁶ As proposed, the term "Permitted Transfer" would be amended to include reference to JPM and JPM Parent as follows (new text italicized):

"Permitted Transfer" means (i) with respect to the Warren Family, a Transfer between or among the natural persons, entities or trusts comprising the Warren Family, (ii) with respect to BlackRock (x) a Transfer between or among BlackRock and any of its Affiliates or (y) a Transfer pursuant to a merger or reorganization of BlackRock Parent, BlackRock or any BlackRock fund, (iii) with respect to Schwab (x) a Transfer between or among Schwab and any of its Affiliates or (y) a Transfer pursuant to a merger or reorganization of Schwab or any Schwab fund, (iv) with respect to Citadel, (x) a Transfer between or among Citadel and any of its Affiliates or (y) a Transfer pursuant to a merger or reorganization of Citadel Parent, Citadel or any Citadel fund (v) *with respect to JPM (x) a Transfer between or among JPM Parent, JPM and any of its Affiliates or (y) a Transfer pursuant to a merger or reorganization of JPM or any JPM fund and (vi) any Transfer by a Stockholder in connection with a Control Transaction pursuant to Section 3(c) or a transaction pursuant to Section 3(d).*

²⁷ As proposed, the term "Sanctions" means all economic or financial sanctions or trade embargoes imposed, administered, or enforced from time to time by (a) the U.S. government, including those administered by the Office of Foreign Assets Control of the U.S. Department of the Treasury or the U.S. Department of State, (b) the European Union and its governmental authorities and relevant member states, (c) the United Kingdom and its governmental authorities, including His Majesty's Treasury, (d) the United Nations Security Council, or (e) other relevant sanctions authority.

²⁸ As proposed, the term "Sanctions" means all economic or financial sanctions or trade embargoes imposed, administered, or enforced from time to time by (a) the U.S. government, including those administered by the Office of Foreign Assets Control of the U.S. Department of the Treasury or the U.S. Department of State, (b) the European Union and its governmental authorities and relevant member states, (c) the United Kingdom and its governmental authorities, including His Majesty's Treasury, (d) the United Nations Security Council, or (e) other relevant sanctions authority.

²⁹ As proposed, the term "Sanctioned Country" means any country or territory that is the target of comprehensive Sanctions (at the time of this Agreement, the Crimea, so-called Donetsk People's Republic, so-called Luhansk People's Republic, and the non-government-controlled areas of the Kherson and Zaporizhzhia regions of Ukraine, Cuba, Iran, North Korea, and Syria).

³⁰ As proposed, the term "Transfer" would be amended to include reference to JPM and JPM Parent as follows (new text italicized): "Transfer" means a transaction by which a Stockholder assigns all or a portion of such Stockholder's Shares, or any interest therein, to another Person, or by which the holder of Shares assigns the Shares to another Person, and includes a sale, assignment, gift, pledge, encumbrance, hypothecation, mortgage, transfer by will or intestate succession, exchange, divorce, or any other disposition. With respect to any Stockholder that is a corporation, limited liability company, limited liability partnership, or other type of entity other than a natural person, any transfer of ownership in the entity resulting in a change of the Control Persons in such Stockholder or encumbrance of the ownership interests resulting in a change of the Control Persons of such Stockholder, including any such interests that become Controlled by an estate, trustee, conservator, or other fiduciary of a Control Person of such Stockholder, shall be deemed a Transfer, provided that the foregoing shall not apply to a

¹⁸ As provided in Article IV, Section 2 of the Exchange's LLC Agreement, the Exchange Board has the power to establish such committees.

Incremental Amount.³¹ The proposal would also add references to Non-Voting BHC Common Stock where appropriate throughout the Stockholders' Agreement.

The Exchange is also proposing to remove current Article FIFTH of the Certificate of Incorporation which provides the name and mailing address of the incorporator of TXSE Group.

The Exchange is also proposing to amend the term "Stockholders' Agreement" under Article FIFTH(a)(vii) of the Certificate of Incorporation to refer to the "Sixth Amended and Restated Stockholders' Agreement" instead of the "Fourth Amended and Restated Stockholders' Agreement."

Amendments To Delete Obsolete Provisions and Language

The proposal would make the following amendments to the Stockholders' Agreement to delete provisions and language that are now obsolete. The proposal would amend Section 3(a), as such paragraph currently contains provisions relating to certain restrictions on the transfer of Shares, which by their terms only apply until the earlier of (i) the Exchange becoming registered as a "national securities exchange" under Section 6 of the Act; or (ii) December 31, 2026. Because the Exchange has become registered as a national securities exchange, these provisions are now obsolete, and the proposal would therefore delete such provisions and replace such provisions with an "[INTENTIONALLY OMITTED]"

change of Control of such Stockholder that is not otherwise required to be approved by such Stockholder's board of managers, board of directors, managing member, general partner, or other similar governing body, as applicable; and provided further that (i) any transfer or issuance of stock of BlackRock Parent or a BlackRock Regulatory Sale shall not be deemed a Transfer by BlackRock for purposes hereof, (ii) any transfer or issuance of equity interests of Citadel Parent or a Citadel Regulatory Sale shall not be deemed a Transfer by Citadel for purposes hereof, (iii) any transfer or issuance of stock of Schwab or a Schwab Regulatory Sale shall not be deemed a Transfer by Schwab for purposes hereof, or (iv) *any transfer or issuance of stock of JPM Parent or a JPM Regulatory Sale shall not be deemed a Transfer by JPM for purposes hereof, or (v) any transfer or issuance of equity interests of a parent entity of any Market Maker shall not be deemed a Transfer by such Market Maker for purposes hereof.*

³¹ As proposed, the term "Warren Incremental Amount" would be amended to add reference to JPM Anti-Dilution Right as follows (new text italicized): "Warren Incremental Amount" means, with respect to an issuance of New Securities, that amount of shares of Common Stock equal to the Warren Anti-Dilution Pro Rata Amount of the number of shares of Common Stock then concurrently issuable upon the exercise of the BlackRock Anti-Dilution Right, Citadel Anti-Dilution Right, Schwab Anti-Dilution Right or JPM Anti-Dilution Right, as applicable.

placeholder to maintain the paragraph numbering. The Exchange is also proposing to delete all other references to the "Approval Date" and the "Lockup Termination Date" because both were previously defined under Section 3(a) but, as described above, are no longer applicable.

Conforming and Clarifying Amendments

The proposal would make various clarifying, updating, conforming, and other minor and non-substantive amendments to the Stockholders' Agreement, each of which is discussed below. The proposal would make various technical and conforming amendments to the Stockholders' Agreement and Exhibit A thereto in order to reflect that it is being amended and restated as the "Sixth Amended and Restated Stockholders' Agreement" and the Certificate of Incorporation to reflect that it is being amended and restated as the "Fifth Amended and Restated Certificate of Incorporation." As it relates to the Stockholders' Agreement, the proposal would amend the definition of "Agreement" to reference the "Sixth Amended and Restated Stockholders' Agreement;" replace references to "Fifth Amended and Restated Stockholders' Agreement" with references to "Sixth Amended and Restated Stockholders' Agreement" throughout the Stockholders' Agreement where appropriate (*i.e.*, when referencing the current version of the Stockholders' Agreement); and update the legend set forth in Section 11 to include a reference to the "Sixth Amended and Restated Stockholders' Agreement."

As it relates to the Certificate of Incorporation, the proposal would add language stating that "The Fourth Amended and Stated Certificate of Incorporation was filed in the office of the Secretary of State of the State of Delaware on October 21, 2025." The Exchange is also proposing to replace references to "Fourth Amended and Restated Certificate of Incorporation" with references to "Fifth Amended and Restated Certificate of Incorporation" throughout the Certificate of Incorporation; and update the definition of "Stockholders' Agreement" to refer to the "Sixth Amended and Restated Stockholders' Agreement" instead of the "Fifth Amended and Restated Stockholders' Agreement."

As it relates to the Exchange's LLC Agreement, the proposal would make certain non-substantive conforming changes to reflect the changes to the Stockholders' Agreement to refer more broadly to Section 2 of the Stockholders'

Agreement rather than citing to specific clauses in Section 2 in such a way that the LLC Agreement would not need to be amended going forward if similar changes are made to the Stockholders' Agreement in the future. The Exchange is specifically proposing to amend language in the introduction to the LLC Agreement to state that "This Agreement remains subject to the observer and consent right provisions under Section 2 of the applicable Stockholders' Agreement of TXSE Group Inc." instead of "This Agreement remains subject to Sections 2.d, 2.3, 2.5, 2.h, 2.i and 2.j of the Fourth Amended and Restated Stockholders' Agreement, dated as of October 23, 2024." Similarly, the proposal would also amend Article I(d) of the LLC Agreement which defines the term "Board Observer" ³² to refer more broadly to Section 2 of the Stockholders' Agreement instead of the specific citations to Sections 2.d, 2.g and 2.i. The proposal would also amend Article VIII, Section 1(a) to refer to the prior consent requirements to amend the LLC Agreement as being set forth in Section 2 of the Stockholders' Agreement instead of in Sections 2.e, 2.h and 2.j of the Stockholders' Agreement. The proposal would also make a clean-up change to remove the word "initial" from the phrase "initial stockholders" from the introduction of the LLC Agreement and to correct a typo in Article III, Section 1(a) to refer to Article IV instead of Article V.

Each of these proposed amendments is a conforming change intended to reflect the amendment and restatement of the Stockholders' Agreement and the Certificate of Incorporation.

Lastly, the proposal would make various non-substantive "clean-up" amendments throughout the Stockholders' Agreement and Certificate of Incorporation to update cross-references (*i.e.*, to reflect appropriate sections/paragraphs that were renumbered as a result of the proposed changes described herein), make minor grammatical and punctuation edits, and make other clarification and ministerial changes to clarify existing language or modify such language to conform with the other proposed amendments described above.

³² Article I(d) currently provides "Board Observer" means the representative that certain investors in the LLC Member have the right to designate to attend all meetings of the Board and any committees thereof, in a nonvoting observer capacity, pursuant to, and subject to the limitations set forth in, Sections 2.d, 2.g and 2.i of the Stockholders' Agreement.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.³³ Specifically, the Exchange believes the proposed rule change is consistent with the objectives of Section 6(b)(1)³⁴ of the Act in particular, in that such amendments enable the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed amendments are consistent with Section 6(b)(5) of the Act,³⁵ which requires the rules of an exchange to be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Amendments Related to the Creation of the Non-Voting BHC Common Stock

The Exchange believes that the creation of the Non-Voting BHC Common Stock is consistent with the Act, as it would facilitate additional investment and funding for TXSE Group resulting from the Transaction, and such proceeds could be used by TXSE Group for general corporate expenses, including to support the operations and regulation of the Exchange. This would further enable the Exchange to be organized as to have the capacity to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange, and, in turn, would protect investors and the public interest. Further, the Exchange believes that the proposal for Non-Voting BHC Common Stock to be the same type of Stockholder interest as the existing Non-Voting SLHC Common Stock is consistent with the Act because, as described above, Non-Voting BHC Common Stock would have the same privileges, preference, duties, liabilities, obligations, and rights, and be subject to the same voting construct, as Non-Voting SLHC Common Stock under the Stockholders' Agreement and Certificate of Incorporation, which facilitates certain Stockholders' compliance with the BHCA and provides for a governance structure of

TXSE Group that is consistent with the structure currently in place, which was previously approved by the Commission. Since Non-Voting BHC Common Stock is the same type of Stockholder interest as Non-Voting SLHC Common Stock and does not otherwise impact the governance of TXSE Group or TXSE Group subsidiaries (including the Exchange), the Exchange believes that the creation of Non-Voting BHC Common Stock and related amendments to the Stockholders' Agreement and Certificate of Incorporation associated with Non-Voting BHC Common Stock relate solely to the administration of TXSE Group and the Transaction, and that such amendments would not impact the governance or operations of the Exchange. Accordingly, the Exchange does not believe the creation of Non-Voting BHC Common Stock, or the Transaction, would in any way restrict the Exchange's ability to be organized as to have the capacity to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.

As noted above, although each Stockholder's proportionate ownership of TXSE Group may change as a result of the Transaction, no Stockholder will exceed any ownership or voting limitations applicable to the Stockholders as set forth in the Stockholders' Agreement or Certificate of Incorporation after giving effect to the Transaction and the proposed amendments to the Stockholders' Agreement and Certificate of Incorporation. As described above, while Non-Voting BHC Common Stock and Non-Voting SLHC Common Stock may be considered separate classes of Equity Securities due to the naming convention of such Equity Securities and for certain general corporate law purposes, Non-Voting BHC Common Stock is the same type of Stockholder interest (*i.e.*, has the same privileges, preference, duties, liabilities, obligations, and rights) as Non-Voting SLHC Common Stock and also votes together with, and in the same manner as, Non-Voting SLHC Common Stock pursuant to Article FOURTH(b) of the Certificate of Incorporation on all actions on which such Equity Securities are entitled to vote (other than actions that significantly and adversely affect Non-Voting SLHC Common Stock or Non-Voting BHC Common Stock specifically), making such Equity Securities functionally equivalent. Additionally, as noted above, Non-Voting SLHC Common Stock and Non-

Voting BHC Common Stock are both convertible into Voting Common Stock on the same terms, and, once converted, such shares of Voting Common Stock possess the same rights, other than in respect of voting and conversion rights, and obligations as the shares of Non-Voting SLHC Common Stock and/or Non-Voting BHC Common Stock from which they were converted. As such, ownership of Non-Voting SLHC Common Stock and Non-Voting BHC Common Stock effectively confers the same ownership rights to the holders of any such Equity Securities as related to voting and governance of TXSE Group.

Therefore, the Exchange believes the amendments to create the Non-Voting BHC Common Stock enable the holders to have the same rights as Non-Voting SLHC Common Stock and are appropriate and consistent with Section 6(b)(1) of the Act, in that such amendments enable the Exchange to be so organized as to have the capacity to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange, and because such amendments will not impair the ability of the Exchange to carry out its functions and responsibilities as an "exchange" under the Act, and the rules and regulations promulgated thereunder, nor do such amendments impair the ability of the SEC to enforce the Act and the rules and regulations promulgated thereunder with respect to the Exchange.

Other Changes

The Exchange believes that certain other changes proposed, including the addition of Section 19 of the Stockholders' Agreement and changes to the treatment of confidential information in Section 5 of the Stockholders' agreement are consistent with the Act. The Exchange believes that these proposed changes are consistent with the Act in that they do not change the governance structure of the Exchange or TXSE Group and because such amendments will not impair the ability of the Exchange to carry out its functions and responsibilities as an "exchange" under the Act, and the rules and regulations promulgated thereunder, as they pertain to the availability or protection of information, books and records, undue influence, conflicts of interest, unfair control by an affiliate, or regulatory independence of the Exchange, nor do such amendments impair the ability of the SEC to enforce the Act and the rules and regulations promulgated thereunder with respect to the Exchange.

³³ 15 U.S.C. 78f(b).

³⁴ 15 U.S.C. 78f(b)(1).

³⁵ 15 U.S.C. 78f(b)(5).

Conforming and Clarifying Amendments

The Exchange believes the proposed amendments to make clarifications, correct inadvertent drafting errors, delete obsolete language, make conforming changes consistent with the other proposed amendments to the Stockholders' Agreement and Certificate of Incorporation described above, to make conforming changes to the Exchange's LLC Agreement, and make other technical and conforming changes to reflect that the Stockholders' Agreement is being amended and restated from the Fifth Amended and Restated Stockholders' Agreement to the Sixth Amended and Restated Stockholders' Agreement and the Certificate of Incorporation is being amended and restated from the Fourth Amended and Restated Certificate of Incorporation to the Fifth Amended and Restated Certificate of Incorporation are consistent with the Act, as such amendments would update and clarify the Stockholders' Agreement and Certificate of Incorporation, thereby increasing transparency and helping to avoid any potential confusion resulting from retaining outdated, obsolete, or unclear provisions.

The Exchange believes the proposed amendments to the Stockholders' Agreement and Certificate of Incorporation described in this proposal are consistent with, and will not interfere with, the self-regulatory obligations of the Exchange. The Exchange importantly notes that it is not proposing to materially alter TXSE Group's or the Exchange's existing governance framework; amend any of the provisions within the Exchange's LLC Agreement related to the Exchange's obligations as a self-regulatory organization or within the Stockholders' Agreement and the Certificate of Incorporation that would impact the Exchange's ability to carry out its obligations as a self-regulatory organization; or to alter any provisions dealing with the availability or protection of information, books and records, undue influence, conflicts of interest, unfair control by an affiliate, or regulatory independence of the Exchange.³⁶

³⁶ See, e.g., Securities Exchange Act Release No. 104146 (September 30, 2025), 90 FR 47880 (October 2, 2025) (In the Matter of the Application of Texas Stock Exchange LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission) at Section III, A ("Ownership and Governance of TXSE") and Section III, B ("TXSE Group and Regulation of the Exchange"). The Exchange is proposing only non-substantive and clean-up changes to the LLC Agreement and is not proposing to amend any provisions of the LLC

For these reasons, the Exchange believes such amendments would enable the Exchange to be so organized as to have the capacity to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal is not intended to address competitive issues but rather is concerned with the creation of Non-Voting BHC Common Stock in connection with the Transaction as well as updates and other changes to the corporate documents of TXSE Group related to the administration and governance of TXSE Group, as described above.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act³⁷ and Rule 19b-4(f)(6)³⁸ thereunder.

Agreement related to its self-regulatory function. For example, the Exchange is not proposing to change any of the following: Article III, Section 1(e) (provision related to the factors the Exchange Board should consider when evaluating any proposal); Article IV, Section 6(a) (provision describing the role and function of the Regulatory Oversight Committee); Article VI, Section 5 (provision describing the role of the Chief Regulatory Officer); Article X, Section 3 ("Participation in Board and Committee Meetings," including specific provisions related to attendees of Board Meetings pertaining to the self-regulatory function of the Exchange); and Article X, Section 4 ("Books and Records; Confidentiality of Information and Records Relating to SRO Function").

³⁷ 15 U.S.C. 78s(b)(3)(A)(iii).

³⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give

A proposed rule change filed under Rule 19b-4(f)(6) normally does not become operative prior to 30 days after the date of filing. Rule 19b-4(f)(6)(iii), however, permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay contained in Rule 19b-4(f)(6)(iii) so that the Exchange may amend the Stockholders' Agreement and Certificate of Incorporation to create an additional series of Common Stock in order to facilitate the closing of the Transaction as soon as possible. The Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest because the proposed changes to the Stockholder's Agreement and Certificate of Incorporation to reflect the creation of the Non-Voting BHC Common Stock do not materially alter TXSE Group's governance framework or raise novel issues as the Non-Voting BHC Common Stock are functionally equivalent to the existing Non-Voting SLHC Common Stock. As discussed above, the other proposed changes to the Exchange's LLC Agreement, Stockholder's Agreement and Certificate of Incorporation also do not materially alter the governance structure of the Exchange or TXSE Group or impair the ability of the Exchange to carry out its self-regulatory obligations. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.³⁹

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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing,

the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

³⁹ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File No. SR-TXSE-2025-001 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 No. SR-TXSE-2025-001. 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 (<http://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-TXSE-2025-001 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁰

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104363; File No. SR-CBOE-2025-089]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule in Connection With the Exchange's Plans To List and Trade Options That Overlie the Magnificent 10 Index ("MGTN Options")

December 11, 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 December 8, 2025, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") filed with the Securities and Exchange Commission ("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

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to update its Fees Schedule in connection with the Exchange's plans to list and trade options that overlie the Magnificent 10 Index ("MGTN options"); specifically, the Exchange proposes to adopt certain standard transaction fees in connection with MGTN options, include/exclude MGTN options from certain surcharges, and exclude MGTN options from certain fees programs. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/options/regulation/rule_filings/bzx/), 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule in connection with its plans to list and trade MGTN options, effective December 8, 2025.

Standard Transaction Rates and Surcharges

First, the Exchange proposes to adopt certain standard transaction fees in connection with MGTN options. Specifically, the proposed rule change adopts certain fees for MGTN options in the Rate Table for All Products Excluding Underlying Symbol A,³ as follows:

- Adopts fee code GO, appended to all Customer (capacity "C") orders in MGTN options and assesses a fee of \$0.16 per contract;⁴
- Adopts fee code GT, appended to all Firm (*i.e.*, Clearing Trading Permit Holders (capacity "F")) and Professional Customer (capacity "U") orders in MGTN options and assesses a fee of \$0.20 per contract;
- Adopts fee code GU, which is appended to Market-Maker (capacity "M") orders in MGTN options contra Firm and Professional Customer that add liquidity and that are executed electronically and assesses a fee of \$0.20 per contract;
- Adopts fee code GV, which is appended to Market-Maker orders in MGTN options contra Non-Customer that add liquidity and that are executed electronically and provides a rebate of \$0.25 per contract;
- Adopts fee code GW, which is appended to Market-Maker orders in MGTN options contra Customer that add liquidity and that are executed electronically and assesses no fee per contract;
- Adopts fee code GP, which is appended to Non-Customer, Non-Firm, Non-Professional Customer, Non-Market-Maker orders in MGTN options that add liquidity and that are executed electronically and assesses a fee of \$0.20 per contract;
- Adopts fee code GQ, which is appended to Non-Customer, Non-Firm, Non-Professional Customer orders in MGTN options contra Customer that remove and that are executed electronically and assesses a fee of \$0.20 per contract;

³ Underlying Symbol List A includes OEX, XEO, RUT, RLG, RLV, RUI, UKXM, SPX (includes SPXW), SPESG and VIX. See Exchange Fees Schedule, Footnote 34.

⁴ Under the proposed changes, the Customer Large Trade Discount Program, set forth in the Exchange Fees Schedule, will apply to Customer orders in MGTN options (included in "Other Index Options" under the program). Under the program, a customer large trade discount program in the form of a cap on customer ("C" capacity code) transaction fees is in effect for the options set forth in the Customer Large Trade Discount table. For MGTN options, regular customer transaction fees will only be charged for up to 5,000 contracts per order, similar to other index options other than VIX, SPX/SPXW, SPESG, and XSP.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁴⁰ 17 CFR 200.30-3(a)(12).

- Adopts fee code GR, which is appended to Non-Customer, Non-Firm, Non-Professional Customer orders in MGTN options contra Non-Customer that remove liquidity and that are executed electronically and assesses a fee of \$1.25 per contract; and

- Adopts fee code GS, which is appended to Non-Customer, Non-Firm, Non-Professional Customer orders in MGTN options that are executed manually (*i.e.*, open outcry) and assesses a fee of \$0.20 per contract.

In addition to the above transaction fees, the proposed rule change also adopts a surcharge to MGTN options transactions within the Rate Table—All Products Excluding Underlying Symbol List A. Specifically, the proposed rule change adds MGTN options to the list of options for which the FLEX Surcharge Fee of \$0.10 (capped at \$250 per trade) applies to electronic FLEX orders executed by all capacity codes, except for Cboe Compression Services (“CCS”) and FLEX Micro transactions.⁵

The Exchange also proposes to exclude Non-Customer complex orders in MGTN options from the Complex Surcharge by amending Footnote 35 (appended to the Complex Surcharge) to provide that the Complex Surcharge applies per contract per side surcharge for noncustomer complex order executions that remove liquidity from the Complex Order Book (“COB”) and auction responses in the Complex Order Auction (“COA”) and AIM in all classes except CBTX, MBTX, MGTN, MRUT, NANOS, SPEQX, XSP, FLEX Micros, Sector Indexes and Underlying Symbol List A.

Fees Programs

The Exchange proposes to exclude MGTN options from the Liquidity Provider Sliding Scale, which offers credits on Market-Maker orders where a Market-Maker achieves certain volume thresholds based on total national Market-Maker volume in all underlying symbols, excluding Underlying Symbol List A, CBTX, MBTX, MRUT, MXACW, MXUSA, MXWLD, NANOS, XSP and FLEX Micros during the calendar month. Specifically, the proposed rule change updates the Liquidity Provider Sliding Scale table to provide that volume thresholds are based on total national Market-Maker volume in all underlying symbols excluding Underlying Symbol List A, CBTX, MBTX, MGTN, MRUT, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros during the

calendar month, and that it applies in all underlying symbols excluding Underlying Symbol List A, CBTX, MBTX, MGTN, MRUT, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros. The proposed rule change also updates Footnote 10 (appended to the Liquidity Provider Sliding Scale) to provide that the Liquidity Provider Sliding Scale applies to Liquidity Provider (Exchange Market-Maker, DPM and LMM) transaction fees in all products except (1) Underlying Symbol List A, CBTX, MBTX, MGTN, MRUT, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros, (2) volume executed in open outcry, and (3) volume executed via AIM Responses.

The proposed rule change also updates Footnote 44 (appended to the Liquidity Provider Sliding Scale Adjustment Table) to exclude MGTN volume from the program by providing (in relevant part) that the Make Rate under the Liquidity Provider Sliding Scale Adjustment Table be derived from a Liquidity Provider’s electronic volume the previous month in all symbols excluding Underlying Symbol List A, CBTX, MBTX, MGTN, SPEQX, and XSP.

The proposed rule change updates the Volume Incentive Program (“VIP”) table to also exclude MGTN volume from the VIP, which currently offers a per contract credit for certain percentage threshold levels of monthly Customer volume in all underlying symbols, excluding Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros. The proposed rule change also amends Footnote 36 (appended to the VIP table) to reflect the proposed exclusion of MGTN from the VIP by providing (in relevant part) that: the Exchange shall credit each TPH the per contract amount resulting from each public customer (“C” capacity code) order transmitted by that TPH which is executed electronically on the Exchange in all underlying symbols excluding Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MGTN, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP, FLEX Micros, QCC trades, public customer to public customer electronic complex order executions, and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Rule 5.67, provided the Trading Permit Holder (“TPH”) meets certain percentage thresholds in a month as described in the Volume Incentive Program (VIP) table; the percentage thresholds are calculated

based on the percentage of national customer volume in all underlying symbols excluding Underlying Symbol List A, Sector Indexes, CBTX, MBTX, MGTN, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, DJX, XSP and FLEX Micros entered and executed over the course of the month; and in the event of a Cboe Options System outage or other interruption of electronic trading on Cboe Options, the Exchange will adjust the national customer volume in all underlying symbols excluding Underlying Symbol List A, Sector Indexes, CBTX, MBTX, MGTN, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, DJX, XSP and FLEX Micros for the entire trading day.

The proposed rule change excludes MGTN options from the list of products eligible to receive Break-Up Credits in orders executed in AIM, SAM, FLEX AIM, and FLEX SAM, by amending the Break-Up Credits table to exclude MGTN along with the products currently excluded—Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros.

The Exchange proposes to exclude MGTN options from the Marketing Fee Program by updating the Marketing Fee table to provide that the marketing fee will be assessed on transactions of Market-Makers (including DPMs and LMMs), resulting from customer orders at the per contract rate provided above on all classes of equity options, options on ETFs, options on ETNs and index options, except that the marketing fee shall not apply to Sector Indexes, DJX, CBTX, MBTX, MGTN, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, XSP, SPEQX, NANOS, FLEX Micros or Underlying Symbol List A. The Exchange notes that, in this way, MGTN options will be treated as most of the Exchange’s other exclusively listed products that are currently excluded from the Marketing Fee Program. The Exchange does believe that it is necessary at the point of newly listing and trading for MGTN options to be eligible for the Marketing Fee Program and may determine in the future to submit a fee filing to add MGTN to the Marketing Fee Program if the Exchange believes it would potentially generate more customer order flow in MGTN options.

The Exchange proposes to exclude MGTN options from the Floor Broker Sliding Scale Rebate Program, which offers rebates for Firm Facilitated and non-Firm Facilitated orders that correspond to certain volume tiers and

⁵ The FLEX Surcharge Fee will only be charged up to the first 2,500 contracts per trade. See Exchange Fees Schedule, Footnote 17.

is designed to incentivize order flow in multiply listed options to the Exchange's trading floor. The Exchange proposes to update the Floor Broker Sliding Scale Rebate Program to provide that the Floor Broker Sliding Scale Rebate Program applies to all products except Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MGTN, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros. Similarly, the Exchange proposes to exclude MGTN options from the Floor Broker Sliding Scale Supplemental Rebate Program, which offers rebates based on qualifying volumes for non-Firm Facilitated orders processed through the Floor Broker Sliding Scale Rebate Program. The Exchange proposes to update the Floor Broker Sliding Scale Supplemental Rebate Program to provide that the Floor Broker Sliding Scale Supplemental Rebate Program applies to all products except Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MGTN, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros.

The Exchange next proposes to exclude MGTN options from eligibility for the Order Router Subsidy ("ORS") and Complex Order Router Subsidy ("CORS") Programs, in which Participating TPHs or Participating Non-Cboe TPHs may receive a payment from the Exchange for every executed contract routed to the Exchange through their system in certain classes. Specifically, the proposed rule change updates the ORS/CORS Program tables to provide that ORS/CORS participants whose total aggregate non-customer ORS and CORS volume is greater than 0.25% of the total national volume (excluding volume in options classes included in Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MGTN, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP or FLEX Micros) will receive an additional payment for all executed contracts exceeding that threshold during a calendar month. The proposed rule change also updates Footnote 29 (appended to the ORS Program table) to provide that Cboe Options does not make payments under the program with respect to executed contracts in options classes included in Underlying Symbols List A, Sector Indexes, DJX, CBTX, MBTX, MGTN, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP or FLEX Micros or with respect to complex orders or spread orders; and updates Footnote 30 (appended to the

CORS Program table) to provide that Cboe Options does not make payments under the program with respect to executed contracts in options classes included in Underlying Symbols List A, Sector Indexes, DJX, CBTX, MBTX, MGTN, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP or FLEX Micros.

The Exchange also proposes to amend Footnote 6, which states that in the event of an Exchange System outage or other interruption of electronic trading on the Exchange that lasts longer than 60 minutes, the Exchange will adjust the national volume in all underlying symbols excluding Underlying Symbol List A, Sector Indexes, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, DJX, SPEQX, XSP and FLEX Micros for the entire trading day. The Exchange proposes to add MGTN options to the list of options.

The Exchange also proposes to exclude Firm (*i.e.*, Clearing Trading Permit Holders (capacity "F") and Non-Clearing Trading Permit Holder Affiliates (capacity "L")) transactions in MGTN from the Clearing TPH Fee Cap. Specifically, it amends footnote 22 (appended to the Clearing TPH Fee Cap table) to provide that all non-facilitation business executed in AIM or open outcry, or as a QCC or FLEX transaction, transaction fees for Clearing TPH Proprietary and/or their Non-TPH Affiliates in all products except CBTX, MBTX, MGTN, MRUT, NANOS, XSP, SPEQX, FLEX Micros, Sector Indexes and Underlying Symbol List A, in the aggregate, are capped at \$65,000 per month per Clearing TPH. The proposed rule change additionally updates Footnote 11 (which is also appended to the Clearing TPH Fee Cap table) to provide that the Clearing TPH Fee Cap in all products except CBTX, MBTX, MGTN, MRUT, NANOS, XSP, SPEQX, FLEX Micros, Underlying Symbol List A and Sector Indexes (the "Fee Cap"), the Cboe Options Proprietary Products Sliding Scale for Clearing TPH Proprietary Orders, and the Clearing TPH Proprietary VIX Sliding Scale apply to (i) Clearing TPH proprietary orders ("F" capacity code), and (ii) orders of Non-TPH Affiliates of a Clearing TPH.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of

Section 6(b) of the Act.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,⁹ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities.

Standard Transaction Rates and Surcharges

The Exchange believes that the proposed amendments to the Fees Schedule in connection with standard transaction rates and surcharges for MGTN options transactions are reasonable, equitable and not unfairly discriminatory. The Exchange believes that the proposed standard transaction rates for Customer; Firm; Market-Maker; Non-Customer, Non-Firm, Non-Professional Customer; and Professional Customer orders in MGTN options are reasonable, as the proposed fee structure is designed to attract liquidity and encourage trading of a new Exchange product, which benefits market participants through tighter markets and improved price discovery. Further, the proposed fees are in-line with fees for transactions in other Exchange proprietary products. Additionally, the Exchange believes it is reasonable to charge different fee amounts to different user types in the manner proposed because the proposed fees are consistent with the price differentiation that exists today for other index products. The Exchange also believes that the proposed fee amounts for MGTN options orders are reasonable because

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

⁹ 15 U.S.C. 78f(b)(4).

the proposed fee amounts are within the range of amounts assessed for the Exchange's other index products, excluding Underlying Symbol List A.

The Exchange believes it is reasonable to apply the FLEX Surcharge Fee to MGTN options, as the FLEX Surcharge Fee assists the Exchange in recouping the cost of developing and maintaining the FLEX system. Moreover, the Exchange believes it is reasonable to exclude MGTN options from the Complex Surcharge because the proposed surcharge exclusions will provide consistency between the fees assessed for orders in other proprietary products, including CBTX, MBTX, MRUT, NANOS, SPEQX, XSP, FLEX Micros, Sector Indexes and Underlying Symbol List A.

The Exchange believes the proposed standard transaction rates and inclusion/exclusion from certain surcharges are equitable and not unfairly discriminatory because they will apply automatically and uniformly to all capacities as applicable (*i.e.*, Customer; Firm; Market-Maker; Non-Customer, Non-Firm, Non-Professional Customer; and Professional Customer) in MGTN options.

The Exchange also believes that it is equitable and not unfairly discriminatory to assess lower fees to Customers as compared to other market participants because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market-Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The fees offered to Customers are intended to attract more Customer trading volume to the Exchange. Moreover, the options industry has a long history of providing preferential pricing to Customers, and the Exchange's current Fees Schedule currently does so in many places, as do the fees structures of many other exchanges. Finally, all fee amounts listed as applying to Customers will be applied equally to all Customers (meaning that all Customers will be assessed the same amount).

The Exchange believes that it is equitable and not unfairly discriminatory to differentiate fees for Non-Customer, Non-Firm, and Non-Professional Customers based on the contra-party and depending on if the order is removing or adding liquidity. Overall, the proposed fees are intended

to incent Non-Customer, Non-Firm, and Non-Professional Customers, including Market-Makers, to quote and trade more on the Exchange, thereby providing more trading opportunities for all market participants. The Exchange believes assessing rates in-line or lower than the rates proposed for other participants or offering rebates for liquidity-adding transactions may incentivize order flow in MGTN options, which may lead to an increase in trading activity on the Exchange. An increase in trading activity, including Market-Maker activity, in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The Exchange also believes assessing slightly higher rates for liquidity-removing transactions contra Non-Customers may incentivize market participants, including Market-Makers, to add rather than remove liquidity, thus improving overall market quality for a new Exchange product.

Fees Programs

The Exchange believes that the proposed updates to the Fees Schedule in connection with the application of certain fees programs to transactions in MGTN options are reasonable, equitable and not unfairly discriminatory. The Exchange believes it is reasonable to exclude MGTN options from the Liquidity Provider Sliding Scale, the VIP, Break-Up Credits applicable to Customer Agency Orders in AIM and SAM, the Marketing Fee, the Floor Broker Sliding Scale Rebate Program, and the ORS/CORS program because other proprietary index products are also excepted from these programs.¹⁰ Moreover, the Exchange notes that the proposed rule change does not alter any of the existing programs, but instead, merely proposes not to include transactions in MGTN options in those programs.

The Exchange believes that excluding MGTN options transactions from certain fees programs is equitable and not unfairly discriminatory because the programs will equally not apply to, or exclude in the same manner, all market participants' orders in MGTN options. The Exchange notes that the proposed rule change does not alter any of the existing program rates or volume calculations, but instead, merely proposes to include (or not to) include transactions in MGTN options in those

programs and volume calculations in the same way that transactions in proprietary index products are (or are not) currently included.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed MGTN transaction fees for the separate types of market participants will be assessed automatically and uniformly to all such market participants, as applicable. As discussed above, while different fees are assessed to different market participants in some circumstances, these different market participants have different obligations and different circumstances as discussed above. For example, preferential pricing to Customers is a long-standing options industry practice which serves to enhance Customer order flow, thereby attracting Market-Makers to facilitate tighter spreads and trading opportunities to the benefit of all market participants. Additionally, the proposed surcharge will be assessed uniformly to all market participants to whom the FLEX Surcharge applies.

Further, the proposed rule change will uniformly exclude all transactions in MGTN options from certain programs and surcharge (*i.e.*, Liquidity Provider Sliding Scale, the VIP, Break-Up Credits applicable to Customer Agency Orders in AIM and SAM, the Marketing Fee, the Floor Broker Sliding Scale Rebate Program, the ORS/CORS program, and the Complex Surcharge), as it currently does for many of the Exchange's other proprietary products. Overall, the proposed rule change is designed to increase incentivize for customer order flow providers to submit customer order flow in a newly listed and traded product, which, as indicated above, contributes to a more robust market ecosystem to the benefit of all market participants.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule changes apply only to products exclusively listed on the Exchange.

¹⁰ See Exchange Fees Schedule, Liquidity Provider Sliding Scale, Volume Incentive Program, Break-Up Credits, Marketing Fee, Floor Broker Sliding Scale Rebate Program, Order Router Subsidy Program and Complex Order Router Subsidy Program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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) of the Act¹¹ and paragraph (f) of Rule 19b-4¹² thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change 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-CBOE-2025-089 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-CBOE-2025-089. 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-CBOE-2025-089 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-22859 Filed 12-15-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0717]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Comment Request; Extension: Exchange Act Rule 3a71-3

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or "Commission") is soliciting comments on the proposed collection of information.

The representations contemplated by Rule 3a71-3 will be relied upon by counterparties to determine whether such transaction is a "transaction conducted through a foreign branch" of a U.S. bank counterparty, as defined in Rule 3a71-3(a)(3)(i), as well as to verify whether a security-based swap counterparty is a "U.S. person." Counterparties to security-based swap transactions may voluntarily give such representations to one another to reduce operational costs and allow each party to ascertain whether such transaction is subject to certain Title VII requirements. Because any representations provided to counterparties under Rule 3a71-3 will constitute voluntary third-party disclosures, the Commission will not typically receive these disclosures.

The Commission believes that the representations contemplated by Rule 3a71-3 will, in most cases, be made through representation letters or amendments to the parties' existing trading documentation (e.g., the schedule to a master agreement). The

Commission believes that, because trading relationship documentation is established between two counterparties, whether a counterparty is able to represent that it is entering into a "transaction conducted through a foreign branch" or that it does not meet the criteria of the "U.S. person" definition will not change with each transaction and, therefore, such representations generally need only be made once per relationship, as opposed to on a transaction-by-transaction basis.. The Commission anticipates that counterparties may elect to develop and incorporate these representations in trading documentation following the effective date of the Commission's security-based swap regulations or prior to entering into in-scope transactions. In either case, the regulatorily-compliant language would be incorporated on a relationship basis, as opposed to on a transactional basis. In 2022, the Commission anticipated that standardized language would be developed by individual respondents or through a combination of trade associations and industry working groups and that it would be applied across all of an entity's security-based swap trading relationships.¹

a. Representations Regarding a "Transaction Conducted Through a Foreign Branch"

Pursuant to Rule 3a71-3, parties to security-based swaps are permitted to rely on certain representations from their counterparties when determining whether a transaction falls within the definition of a "transaction conducted through a foreign branch." Based on its understanding of the current state of the security-based swap market, the Commission staff estimates that nine entities will incur burdens under this collection of information, whether solely in connection with the business conduct requirements or also in connection with the application of the *de minimis* exception.

In 2022, the Commission estimated the one-time third-party disclosure burden associated with developing representations under this collection of information to be, for each U.S. bank counterparty that would make such representations, no more than five hours, and up to \$2,000 for the services of outside professionals. Across the nine

¹ It is the Commission's understanding that the ISDA U.S. Self-Disclosure Letter is one such example of the anticipated standardized language that the industry has developed. However, the Commission lacks information regarding the scope of reliance upon this representation letter and thus hesitates to presume that standardization has been fully achieved.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

¹³ 17 CFR 200.30-3(a)(12).

respondents, this amounted to approximately 45 hours, or 15 hours per year when annualized over three years.

The number of U.S. banks that are registered as security-based swap dealers has not changed since 2022. The Commission believes that the majority of the burden associated with the new disclosure requirements was experienced during the first year as language was being developed and trading documentation was being amended.

For PRA purposes, in 2022, the Commission assumed that all nine respondents would seek outside counsel to assist in developing the representations contemplated by Rule 3a71–3 and that they would, on average, consult with outside counsel for up to five hours. The Commission further assumed that the services of outside counsel would be sought for the first year only and that none of the nine respondents would seek outside legal services for year two or year three. In 2022, the Commission estimated the cost for each respondent who incurred this initial burden to be up to \$2,000. Over the three-year period, this amounted to \$18,000, or \$6,000 per year when annualized over three years.

The Commission believes that this initial burden is no longer applicable to these entities. However, the Commission believes that there is an ongoing third-party disclosure burden associated with these requirements. The Commission further believes that the ongoing burden associated with this requirement will be 10 hours per U.S. bank counterparty for verifying representations with existing counterparties, for a total of approximately 90 hours across the nine respondents.²

b. Representations Regarding U.S.-Person Status

Pursuant to Rule 3a71–3(a)(4)(iv), persons may rely on representations from a counterparty that the counterparty does not satisfy the criteria defining U.S. person set forth in Rule 3a71–3(a)(4)(i), unless such person knows or has reason to know that the representation is not accurate. Commission staff estimates, based on current security-based swap data repository (“SBSDR”) reporting³ and its

understanding of OTC derivatives markets, including the domiciles of counterparties that are active in the market, that approximately 4,200 entities will provide representations that they do not meet the criteria necessary to be U.S. persons.

In 2022, the Commission estimated that 3,000 non-U.S. persons were active in the security-based swap market. As with representations regarding whether a transaction is conducted through a foreign branch, the Commission estimated the maximum total third-party disclosure burden associated with developing new representations to be, for each counterparty that will make such representations, no more than five hours and up to \$2,000 for the services of outside professionals. Across the 3,000 respondents, this amounted to a maximum of approximately 15,000 hours, or 5,000 hours per year when annualized over three years.

The Commission’s current estimate of the number of persons who would be making non-U.S. person status disclosures is 4,200 persons, which is 1,200 more than the estimate in 2022. The Commission lacks visibility into exactly how many of the 4,200 persons are new entrant counterparties into the security-based swap market (and thus likely to incur the initial burden associated with compliance) versus counterparties who were present in the market in 2022 and already incurred the burden. Thus, the Commission will assume that all of the 4,200 non-U.S. persons will incur the initial disclosure burden.

The Commission continues to believe that the maximum total third-party disclosure burden will be no more than five hours. The current cost of employing the services of outside professionals is estimated to be approximately \$2,715 (five hours at \$543 per hour).⁴ As the Commission’s current estimate of non-U.S. persons who would be making such representations is 4,200 persons, the approximate number of hours would total approximately 21,000 hours (five hours for each) or 7,000 hours per year when annualized over three years. This estimate assumes little or no reliance on standardized disclosure language.

The Commission expects that most of the burden associated with the disclosure requirements will be experienced during the first year as language is developed and trading

documentation is amended. After the new representations are developed and incorporated into trading documentation, the Commission believes that the annual third-party disclosure burden associated with this requirement will be no more than approximately 10 hours per counterparty for verifying representations with existing counterparties and onboarding new counterparties. In 2022, across the 3,000 respondents, this amounted to a maximum of approximately 30,000 hours. The Commission’s current estimate, across 4,200 counterparties, is 42,000 hours.

The Commission believes that some of the entities that comply with Rule 3a71–3 will seek outside counsel to help them develop new representations. For PRA purposes, the Commission assumes that all 4,200 respondents will seek outside legal services for the first year only and will, on average, consult with outside counsel for up to five hours. The Commission also assumes that none of those 4,200 respondents will seek outside legal services for year two or year three. In 2022, the Commission estimated the aggregate cost for 3,000 respondents over the three-year period to be \$6 million, or \$2 million per year when annualized over three years; the total labor cost per respondent was estimated to be approximately \$666.67 when annualized over three years. The Commission’s current estimate of the annualized labor cost per respondent is \$905 (\$2,715 spread across three years). The Commission’s current estimate for the 4,200 respondents is \$11.4 million or \$3.8 million per year when annualized over three years.

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.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC’s estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to

² The Commission staff estimates that this burden will consist of 10 hours of in-house counsel time for each security-based swap market participant that will make such representations. See Business Conduct Adopting Release, 81 FR 30097 n.1581.

³ The estimate is as of December 31, 2024 and is based upon security-based swap position data derived by each SBSDR from the transaction reports made to the SBSDR.

⁴ See Business Conduct Adopting Release, 81 FR 30096 n.1577 (estimating a cost of \$400 per hour for outside legal services). The Commission’s current estimated hourly rate for outside legal services, reflecting adjustments for inflation, is \$543.

Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to PaperworkReductionAct@sec.gov by February 17, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: December 12, 2025.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-22944 Filed 12-15-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104362; File No. SR-NYSEARCA-2025-82]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Lower the Options Regulatory Fee (ORF)

December 11, 2025.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (“Act”),² and Rule 19b-4 thereunder,³ notice is hereby given that on December 1, 2025, NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II 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 NYSE Arca Options Fee Schedule (“Fee Schedule”) regarding the Options Regulatory Fee (“ORF”). The proposed rule change is available on the Exchange’s website at www.nyse.com 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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to decrease the ORF from \$0.0038 per contract to \$0.0026 per contract, effective on January 1, 2026, and to provide for a temporary waiver of the ORF for the month leading up to such change, from December 1, through December 31, 2025 (the “Waiver Period”).⁴

Background

As a general matter, the Exchange may only use regulatory funds such as the ORF “to fund the legal, regulatory, and surveillance operations” of the Exchange.⁵ More specifically, the ORF is designed to recover a material portion, but not all, of the Exchange’s costs for the supervision and regulation of OTP Holders and OTP Firms (collectively, “OTP Holders”), including the Exchange’s regulatory program and legal expenses associated with options regulation, such as the costs related to in-house staff, third-party service providers, and technology that facilitate regulatory functions such as surveillance, investigation, examinations, and enforcement (collectively, the “ORF Costs”). ORF funds may also be used for indirect expenses such as human resources and other administrative costs. The Exchange monitors the amount of ORF collection to ensure that this amount, in combination with other regulatory fees and fines, does not exceed regulatory costs.

The ORF is assessed on OTP Holders for options transactions that are cleared by the OTP Holder through the OCC in the Customer range regardless of the exchange on which the transaction occurs and is collected from OTP

Holder clearing firms by the OCC on behalf of NYSE Arca.⁶ All options transactions must clear via a clearing firm, and such clearing firms can then choose to pass through all, a portion, or none of the cost of the ORF to its Customers, *i.e.*, the entering firms. The Exchange notes that the costs relating to monitoring OTP Holders with respect to Customer trading activity are generally higher than the costs associated with monitoring OTP Holders that do not engage in Customer trading activity, which tends to be more automated and less labor-intensive. By contrast, regulating OTP Holders that engage in Customer trading activity is generally more labor-intensive and requires a greater expenditure of human and technical resources as the Exchange needs to review not only the trading activity on behalf of Customers, but also the OTP Holder’s relationship with its Customers via more labor-intensive exam-based programs.⁷ As a result, the costs associated with administering the Customer component of the Exchange’s overall regulatory program are materially higher than the costs associated with administering the non-Customer component (*e.g.*, OTP Holder proprietary transactions) of its regulatory program.

Because the ORF is based on options transactions volume, the amount of ORF collected is variable. For example, if options transactions reported to OCC in a given month increase, the ORF collected from OTP Holders will likely increase as well. Similarly, if options transactions reported to OCC in a given month decrease, the ORF collected from OTP Holders will likely decrease as well. Accordingly, the Exchange monitors the amount of ORF collected

⁶ See Fee Schedule, NYSE Arca GENERAL OPTIONS and TRADING PERMIT (OTP) FEES, Regulatory Fees, Options Regulatory Fee (“ORF”), available here, https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf. The Exchange uses reports from OCC when assessing and collecting the ORF. The ORF is not assessed on outbound linkage trades. An OTP Holder is not assessed the fee until it has satisfied applicable technological requirements necessary to commence operations on NYSE Arca. *See id.*

⁷ The Exchange notes that many of the Exchange’s market surveillance programs require the Exchange to look at and evaluate activity across all options markets, such as surveillance for position limit violations, manipulation, front-running, and contrary exercise advice violations/expiring exercise declarations. The Exchange and other options SROs are parties to a 17d-2 agreement allocating among the SROs regulatory responsibilities relating to compliance by the common members with rules for expiring exercise declarations, position limits, OCC trade adjustments, and Large Option Position Report reviews. *See, e.g.*, Securities Exchange Act Release No. 85097 (February 11, 2019), 84 FR 4871 (February 19, 2019).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See proposed Fee Schedule, NYSE Arca GENERAL OPTIONS and TRADING PERMIT (OTP) FEES, REGULATORY FEES, Options Regulatory Fee (“ORF”). The Exchange proposes to modify the Fee Schedule to provide for a waiver of ORF from December 1 through December 31, 2025, and to provide that the ORF rate would be \$0.0026 when the Exchange resumes assessing ORF on January 1, 2026.

⁵ The Exchange considers surveillance operations part of regulatory operations. The limitation on the use of regulatory funds also provides that they shall not be distributed. *See* Bylaws of NYSE Arca, Inc., Art. II, Sec. 2.03.

to ensure that it does not exceed a material portion of ORF Costs. If the Exchange determines the amount of ORF collected exceeds or may exceed a material portion of ORF Costs, the Exchange will, as appropriate, adjust the ORF by submitting a fee change filing to the Securities and Exchange Commission (the "Commission"). Exchange rules establish that market participants must be notified of any change in the ORF via Trader Update at least 30 calendar days prior to the effective date of the change.⁸

Proposed Rule Change

Earlier this year, the Exchange temporarily reduced the ORF from \$0.0038 per contract to \$0.0023 per contract through December 31, 2025, after which date the ORF would revert to the rate of \$0.0038 per contract.⁹ Based on the Exchange's recent review of regulatory costs, ORF collections, and options transaction volume, the Exchange proposes to decrease the ORF from \$0.0038 per contract to \$0.0026 per contract effective January 1, 2026 and,

in concert with the proposed reduction of the ORF, to waive the ORF from December 1 through December 31, 2025 in order to help ensure that the amount collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange notified OTP Holders of the proposed temporary waiver of the ORF via Trader Update on October 31, 2025 (which was at least 30 calendar days prior to the proposed operative date of the waiver, December 1, 2025)¹⁰ and will also notify OTP Holders of the proposed change to the ORF rate via Trader Update at least 30 days prior to the proposed operative date of the new rate, January 1, 2026. The Exchange believes such notices will ensure that market participants have sufficient opportunity to configure their systems to account properly for both the ORF waiver and revised ORF.

The proposed modification of the ORF and accompanying waiver are informed by the Exchange's analysis of recent options volumes. Based on the

Exchange's recent review of regulatory costs, ORF collections, and options transaction volume, the Exchange proposes to waive the ORF for the period December 1 through December 31, 2025 and, when ORF collection resumes on January 1, 2026, reduce the ORF to \$0.0026 per contract to help ensure that the amount collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The proposed change to the ORF is based on the Exchange's analysis of recent options volumes and its regulatory costs. The Exchange believes that, if the ORF is not adjusted as proposed, ORF collection year over year could exceed a material portion of the Exchange's ORF costs. Although the Exchange earlier this year temporarily reduced the ORF, persisting increased options volumes have impacted the Exchange's ORF collection. As shown in the table below, during the second half of 2025, options trading volumes remained at elevated levels.¹¹

	June 2025	July 2025	Aug. 2025	Sept. 2025	Oct. 2025
Customer ADV	45,453,622	47,242,125	50,273,952	56,005,046	61,209,858
Total ADV	50,576,203	51,516,242	54,909,360	61,298,900	67,192,745

Because of the sustained impact of trading volumes that have persisted through 2025, the Exchange proposes to waive the ORF from December 1 through December 31, 2025 to help ensure that ORF collection will not exceed ORF Costs for 2025. The Exchange cannot predict whether options volumes will remain at current levels going forward and projections for regulatory costs are estimated, preliminary, and may change. However, the Exchange believes that this proposed change would allow the Exchange to continue to monitor the amount collected from the ORF to help ensure that ORF collection, in combination with other regulatory fees and fines, does not exceed regulatory costs for 2025.

In addition, the Exchange believes that it has sufficient information based on recent options transaction volume to determine how to adjust the ORF for 2026. Taking into consideration both the sustained increase in options

transaction volume, which has persisted through 2025 (and which has translated to increased ORF collection), the Exchange proposes to decrease the ORF from \$0.0038 to \$0.0026 per contract, effective January 1, 2026. The Exchange further proposes to make this change effective on January 1, 2026 and to not assess any ORF during the Waiver Period, rather than further adjusting the ORF for the duration of the Waiver Period, as the Exchange believes this proposal would most efficiently accomplish the goals of ensuring that ORF collection does not exceed ORF Costs for 2025 and modifying the ORF rate so that the Exchange may assess an ORF that is designed to recover a material portion, but not all, of the Exchange's projected ORF Costs when the Exchange resumes assessing ORF on January 1, 2026.

The proposed decrease in ORF is based on the Exchange's estimated projections for its regulatory costs, balanced with the observed increase in

options volumes. The Exchange cannot predict whether options volume will remain at the current level going forward and projections for future regulatory costs are estimated, preliminary, and may change. However, the Exchange believes that amounts collected from assessment of the ORF (as modified) will continue to cover a material portion, but not all, of the Exchange's ORF Costs. In addition, because of the sustained impact of the elevated trading volumes that have persisted into 2025, along with the difficulty of predicting when volumes may return to more normal levels, the Exchange believes that waiving ORF from December 1 to December 31, 2025 and implementing the reduced ORF rate of \$0.0026 on January 1, 2026 would lessen the potential for generating excess funds and help ensure that the ORF is designed to recover a material portion, but not all, of the Exchange's projected ORF Costs. The Exchange will continue monitoring ORF Costs in

⁸ See Fee Schedule, note 6, *supra*.

⁹ See Securities Exchange Act Release No. 103506 (July 21, 2025), 90 FR 34942 (July 24, 2025) (SR-NYSEARCA-2025-52) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Temporarily Lower the Options Regulatory Fee (ORF)).

¹⁰ See <https://www.nyse.com/trader-update/history#110000952389>.

¹¹ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly->

Weekly-Volume-Statistics. The volume discussed in this filing is based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, in contract sides.

advance of the resumption of the ORF and when it resumes assessing ORF on January 1, 2026, and, if the Exchange determines that, in light of projected volumes and ORF Costs, the ORF rate should be further modified to help ensure that ORF collections would not exceed a material portion of ORF Costs, adjust the ORF by submitting a proposed rule change and notifying OTP Holders of such change by Trader Update.

Potential ORF Reform

As it has previously noted,¹² the Exchange appreciates the evolving changes in the markets and regulatory environment and, in connection with industry and other feedback, is continuing to evaluate the current methodologies and practices for the assessment and collection of ORF. The Exchange continues to believe ORF reform is appropriate, including moving to a model in which ORF would be assessed only to transactions occurring on the Exchange, which would allow for consistent industry billing. The Exchange intends to file a proposed rule change by the first quarter of 2026 to transition to a new, modified model, provided that a consistent framework has been established with the SEC and necessary regulatory filings submitted. Until that time, the Exchange believes it is fair and reasonable to waive the ORF during the Waiver Period and to decrease the current ORF under the existing model, effective January 1, 2026, while the Exchange continues to discuss its anticipated, or potential alternative, ORF methodology with relevant stakeholders.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)¹³ of the Act, in general, and Section 6(b)(4) and (5)¹⁴ of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Exchange believes the proposed reduction of the ORF to \$0.0026 per contract, effective January 1, 2026, and accompanying temporary waiver of the ORF is reasonable, equitable, and not unfairly discriminatory. As noted above, the ORF is designed to recover a material portion, but not all, of the Exchange's ORF Costs. Although there

can be no assurance that the Exchange's final costs for 2025 will not differ materially from its expectations and prior practice, nor can the Exchange predict with certainty whether options volume will remain at current or similar levels going forward, the Exchange believes that the amount collected based on the current ORF rate, when combined with regulatory fees and fines, may result in collections in excess of the estimated ORF Costs for the year and going forward. Particularly, as noted above, the options market has continued to experience elevated volumes in 2025, thereby resulting in higher ORF collections than projected, even at the current, temporarily decreased ORF rate. The Exchange therefore proposes to decrease the ORF from \$0.0038 per contract to \$0.0026 per contract effective January 1, 2026, and, in connection with that change, to waive ORF from December 1 through December 31, 2025 to help ensure that ORF collection does not exceed a material portion of the ORF Costs for 2025 and facilitate the efficient implementation of a revised ORF rate designed to recover a material portion, but not all, of the Exchange's projected ORF Costs.

The Exchange proposes to make the new ORF rate effective on January 1, 2026 and to not assess any ORF during the Waiver Period, rather than further adjusting the ORF for the duration of the Waiver Period, as the Exchange believes this proposal would most efficiently accomplish these objectives. The Exchange believes that not assessing ORF during the Waiver Period and taking into account all of the Exchange's other regulatory fees and fines would allow the Exchange to continue covering a material portion of ORF Costs, while lessening the potential for generating excess funds that may otherwise occur using the current rate. The proposed new ORF rate of \$0.0026 per contract is based on the Exchange's estimated projections for its regulatory costs, balanced with the increase in options volumes that has persisted into 2025 and that is likely to continue into 2026; the Exchange thus believes that resumption of the ORF at this rate on January 1, 2026 would permit the Exchange to resume assessing an ORF that is designed to recover a material portion, but not all, of the Exchange's projected ORF Costs. The Exchange would continue monitoring ORF Costs in advance of the resumption of the ORF and when it resumes assessing ORF on January 1, 2026 and, if the Exchange determines that, in light of projected volumes and ORF Costs, the ORF rate

should be further modified to help ensure that ORF collections would not exceed a material portion of ORF Costs, further adjust the ORF by submitting a proposed rule change and notifying OTP Holders of such change by Trader Update.

The Exchange believes its proposal is an equitable allocation of fees among its market participants and is not unfairly discriminatory. The Exchange believes that the proposed rule change would not place certain market participants at an unfair disadvantage because it would apply equally to all OTP Holders subject to the ORF on all their transactions that clear in the Customer range at the OCC and would allow the Exchange to continue to monitor the amount collected from the ORF to help ensure that ORF collection, in combination with other regulatory fees and fines, does not exceed regulatory costs. The proposed change would permit the Exchange to efficiently adjust the ORF, which is applicable to all OTP Holders' transactions that clear in the Customer range at the OCC, to an amount designed to recover a material portion, but not all, of the Exchange's projected ORF Costs. The Exchange also believes that recommending the ORF at the decreased rate of \$0.0026 per contract effective January 1, 2026, unless the Exchange determines it necessary to further adjust the ORF to help ensure that ORF collections do not exceed a material portion of ORF Costs, is equitable and not unfairly discriminatory because the ORF would resume applying equally to all OTP Holders on options transactions in the Customer range, at a rate designed to recover a material portion, but not all, of the Exchange's projected ORF Costs. The Exchange also will provide all OTP Holders with 30 days' advance notice of the planned change to the ORF.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition. The Exchange believes the proposed change would not impose an undue burden on intramarket competition because the ORF is charged to all OTP Holders on all their transactions that clear in the Customer range at the OCC; thus, the amount of ORF imposed is based on the amount of Customer volume transacted. The Exchange believes that the proposed reduction of the ORF rate and temporary waiver of the ORF would not place certain market participants at an

¹² See note 9, *supra*.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(4) and (5).

unfair disadvantage because all options transactions must clear via a clearing firm. Such clearing firms can then choose to pass through all, a portion, or none of the cost of the ORF to its customers, *i.e.*, the entering firms. The ORF is collected from OTP Holder clearing firms by the OCC on behalf of NYSE Arca and is assessed on all options transactions cleared at the OCC in the Customer range. The Exchange also believes recommencing the ORF on January 1, 2026 at \$0.0026 per contract (unless the Exchange determines it necessary at that time to adjust the ORF to help ensure that ORF collections do not exceed a material portion of ORF Costs) would not impose an undue burden on competition because the proposed decreased rate would apply equally to all OTP Holders subject to ORF and would permit the Exchange to resume assessing an ORF that is designed to recover a material portion, but not all, of the Exchange's projected ORF Costs and the ORF would, as currently, apply to all OTP Holders on their options transactions that clear in the Customer range at the OCC. The Exchange will continue to provide advance notice of changes to the ORF to all OTP Holders via Trader Update to provide OTP Holders with sufficient opportunity to configure their systems to account properly for both the Waiver Period and resumption of ORF at a new, lower rate on January 1, 2026.

Intermarket Competition. The proposed fee change is not designed to address any competitive issues. Rather, the proposed change is designed to help the Exchange adequately fund its regulatory activities while seeking to ensure that total collections from regulatory fees do not exceed total regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

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) of the Act¹⁵ and paragraph (f) of Rule 19b-4¹⁶ thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change 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-NYSEARCA-2025-82 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-NYSEARCA-2025-82. 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-NYSEARCA-2025-82 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,

Assistant Secretary.

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BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104371; File No. SR-MIAX-2025-47]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Options Fee Schedule To Modify Certain Connection Fees for Stock-Option Order Functionality

December 11, 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 November 28, 2025, Miami International Securities Exchange, LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a 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 MIAX Options Exchange Fee Schedule (the "Fee Schedule") to provide that Members³ and non-Members may receive up to two (2) 1 gigabit ("Gb") connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order⁴ to an away Trading Center⁵ for execution on behalf of the Exchange.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings> and at MIAX's principal office.

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

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Exchange Rule 100.

⁴ See Exchange Rule 518(a)(5).

⁵ See 17 CFR 242.600(b)(106).

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 17 CFR 240.19b-4(f).

¹⁷ 17 CFR 200.30-3(a)(12).

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 Exchange proposes to amend the Fee Schedule so that Members and non-Members may receive up to two (2) 1 Gb connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order to an away Trading Center for execution on behalf of the Exchange.

In sum, Exchange Rule 518(a)(5) provides that “a “complex order” is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the “legs” or “components” of the complex order), for the same account, in a conforming or non-conforming ratio as defined below for the purposes of executing a particular investment strategy.” Exchange Rule 518(a)(5) further provides that a complex order can also be a “stock-option order”, which is an “order to buy or sell a stated number of units of an underlying security (stock or Exchange Traded Fund Share (“ETF”)) . . . coupled with the purchase or sale of options contract(s) on the opposite side of the market representing either (i) the same number of units of the underlying security. . . , or (ii) the number of units of the underlying stock necessary to create a delta neutral position where the ratio represents the total number of units of the underlying security . . . in the option leg to the total number of units of the underlying security . . . in the stock leg” (referred to herein as a “Stock-Option Order”).

To facilitate the stock leg of a Stock-Option Order, the Exchange relies on certain Members and non-Members on the Exchange to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange. These Members or non-Members aid the Exchange in providing Stock-Option Order functionality. Today, such Members and non-Members must purchase at least a single 1 Gb connection to route such stock order to an away equities Trading Center and pay the applicable \$1,400 per 1 Gb connection.⁶

⁶ See Fee Schedule, Sections 5(a)–(b). The Exchange assesses a different fee for 10 Gb ULL connectivity to the primary/secondary facility, as well as different 1 Gb and 10 Gb connectivity fees to the disaster recovery facility. These connections and the amount the Exchange assesses per connection are not subject to this proposal.

To encourage participants to provide or continue to provide for the routing of the stock leg of a Stock-Option Order, the Exchange proposes to provide that such participants may receive up to two 1 Gb connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange. As such the Exchange proposes to amend both Sections 5(a)–(b) of the Fee Schedule to provide that “Members [or non-Members] will not be assessed the monthly network connectivity fee for up to two (2) 1 Gb connections so long as the 1 Gb connection is used solely to route the stock portion of Stock-Option Order (as defined in Exchange Rule 518(a)(5)) to an away Trading Center, as defined under the Exchange Act, for execution on behalf of the Exchange.”

Implementation

The proposed fee change is effective beginning December 1, 2025.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, in that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal is consistent with Section 6(b)(4) of the Act⁹ because it represents an equitable allocation of reasonable dues, fees and other charges among market participants using any facility or system which the Exchange operates or controls.

The Exchange believes the proposed fee waiver is reasonable. By reducing the cost associated with providing routing services for Stock-Option Orders, Members and non-Members will be encouraged to provide or continue to provide such routing services for the stock portion of such orders. The Exchange believes that this will benefit the Exchange's Stock-Option Order functionality by improved routing flexibility and enhanced competition among exchanges that offer similar functionality, which will also benefit other Members on the Exchange, and, more broadly, investors through enhanced market quality and liquidity for such orders.

The Exchange believes the proposed fee waiver is equitable and not unfairly discriminatory. The Exchange believes

that the proposal represents an equitable allocation of reasonable dues, fees, and other charges and is not unfairly discriminatory in that it applies uniformly to all similarly situated Members and non-Members. Any Member or non-Member that wishes to provide such routing functionality will be eligible for such waiver. Meanwhile, Members and non-Members that are already provide such routing functionality will also be eligible and this proposal will serve as a means to encourage those Members and non-Members to continue to provide stock routing services to other Exchange participants. Further, the proposal will result in reduced fees for Members and non-Members that choose to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange.

The Exchange also believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges and is not unfairly discriminatory as such Members and non-Members play an important role in supporting the Exchange's Stock-Option Order functionality. These Members and non-Members fulfill a very specific function for the benefit of all Exchange participants. The Exchange proposes to waive the fees for up to two 1 Gb connections for Members and non-Members that use the connection solely to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange. There are a number of costs associated with providing such routing services and the Exchange believes that this proposal to reduce the overall burden to provide Stock-Option Order routing services to retain or attract more Members and non-Members to do so.

The proposal is equitable and reasonable because it is intended to incentivize participants to provide or continue to provide routing services to the Exchange so that it may offer Stock-Option Order routing functionality to all market participants. The proposed change is designed to encourage participants to provide or continue to provide routing services for Stock-Option Orders by providing them up to two 1 Gb connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange.

Lastly, offering a limited number of connections for no charge as proposed herein is not new or novel. Other exchanges provide a certain number of connections for no charge when those

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ 15 U.S.C. 78f(b)(4).

connections are used solely for a specific purpose.¹⁰

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will result in any burden on inter-market competition for the following reasons. A number of other exchanges offer similar stock-option order functionality¹¹ and the proposal would help to provide for robust routing capabilities for the stock portion of such orders. There is significant competition for this order flow among options exchanges to attract, retain, and incentivize this order flow. The Exchange believes that this proposal will enhance the Exchange's ability to compete for such order flow by incentivizing Members and non-Members to route the stock portion of a Stock-Option Order, resulting in additional competition among exchanges to the benefit of the markets.

The Exchange does not believe that the proposed rule change will result in any burden on intra-market competition because any Member or non-Member that wishes to provide such routing functionality will be eligible for such waiver. Meanwhile, Members and non-Members that are already provide such routing functionality will also be eligible and this proposal will serve as a means to encourage those Members and non-Members to continue to do so. The Exchange does not believe that the proposed changes represent a significant departure from pricing offered by the Exchange's competitors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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,¹² and Rule 19b-4(f)(2)¹³ thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or 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-MIAX-2025-47 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-MIAX-2025-47. 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-MIAX-2025-47 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104370; File No. SR-SAPPHIRE-2025-43]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Sapphire Fee Schedule To Modify Certain Connection Fees for Stock-Option Order Functionality

December 11, 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 November 28, 2025, MIAX Sapphire, LLC ("MIAX Sapphire" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a 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 MIAX Sapphire Options Exchange Fee Schedule ("Fee Schedule") to amend the MIAX Sapphire Options Exchange Fee Schedule (the "Fee Schedule") to provide that Members³ and non-Members may receive up to two (2) 1 gigabit ("Gb") connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order⁴ to an away Trading Center⁵ for execution on behalf of the Exchange.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings>, and at MIAX Sapphire's principal office.

¹⁰ See, e.g., The Nasdaq Stock Market LLC, General 8: Connectivity, Section 2(b) (providing two connections for free for Third Party Services Direct Connection per client to UTP SIP feeds only); and Cboe BZX Exchange, Inc. Fee Schedule, Physical Connectivity Fees section (providing that "[a] Member that is a registered Lead Market Maker shall have Physical Connectivity Fees waive connected solely to the BZX Equities Disaster Recovery data center for the first twelve month physical connectivity.").

¹¹ See, e.g., Cboe EDGX Exchange, Inc. Rule 21.20(b) (describing Stock-Option Orders); and Nasdaq Phlx LLC Options 3, Section 14(a)(i).

¹² 15 U.S.C. 78s(b)(3)(A)(ii).

¹³ 17 CFR 240.19b-4(f)(2).

¹⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Exchange Rule 100.

⁴ See Exchange Rule 518(a).

⁵ See 17 CFR 242.600(b)(106).

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 Exchange proposes to amend the Fee Schedule so that Members and non-Members may receive up to two (2) 1 Gb connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order to an away Trading Center for execution on behalf of the Exchange.

In sum, Exchange Rule 518(a) provides that “a “complex order” is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the “legs” or “components” of the complex order), for the same account, in a conforming or non-conforming ratio as defined below for the purposes of executing a particular investment strategy.” Exchange Rule 518(a) further provides that a complex order can also be a “stock-option order”, which is an “order to buy or sell a stated number of units of an underlying security (stock or Exchange Traded Fund Share (“ETF”)) . . . coupled with the purchase or sale of options contract(s) on the opposite side of the market representing either (i) the same number of units of the underlying security, or (ii) the number of units of the underlying stock necessary to create a delta neutral position where the ratio represents the total number of units of the underlying security . . . in the option leg to the total number of units of the underlying security . . . in the stock leg . . .” (referred to herein as a “Stock-Option Order”).

To facilitate the stock leg of a Stock-Option Order, the Exchange relies on certain Members and non-Members on the Exchange to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange. These Members or non-Members aid the Exchange in

providing Stock-Option Order functionality. Today, such Members and non-Members must purchase at least a single 1 Gb connection to route such stock order to an away equities Trading Center and pay the applicable \$1,400 per 1 Gb connection.⁶

To encourage participants to provide or continue to provide for the routing of the stock leg of a Stock-Option Order, the Exchange proposes to provide that such participants may receive up to two 1 Gb connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange. As such the Exchange proposes to amend both Sections 5(a)–(b) of the Fee Schedule to provide that “Members [or non-Members] will not be assessed the monthly network connectivity fee for up to two (2) 1 Gb connections so long as the 1 Gb connection is used solely to route the stock portion of Stock-Option Order (as defined in Exchange Rule 518(a)) to an away Trading Center, as defined under the Exchange Act, for execution on behalf of the Exchange.”

Implementation

The proposed fee change is effective beginning December 1, 2025.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, in that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal is consistent with Section 6(b)(4) of the Act⁹ because it represents an equitable allocation of reasonable dues, fees and other charges among market participants using any facility or system which the Exchange operates or controls.

The Exchange believes the proposed fee waiver is reasonable. By reducing the cost associated with providing routing services for Stock-Option Orders, Members and non-Members will be encouraged to provide or continue to provide such routing services for the stock portion of such orders. The

Exchange believes that this will benefit the Exchange's Stock-Option Order functionality by improved routing flexibility and enhanced competition among exchanges that offer similar functionality, which will also benefit other Members on the Exchange, and, more broadly, investors through enhanced market quality and liquidity for such orders.

The Exchange believes the proposed fee waiver is equitable and not unfairly discriminatory. The Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges and is not unfairly discriminatory in that it applies uniformly to all similarly situated Members and non-Members. Any Member or non-Member that wishes to provide such routing functionality will be eligible for such waiver. Meanwhile, Members and non-Members that are already provide such routing functionality will also be eligible and this proposal will serve as a means to encourage those Members and non-Members to continue to provide stock routing services to other Exchange participants. Further, the proposal will result in reduced fees for Members and non-Members that choose to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange.

The Exchange also believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges and is not unfairly discriminatory as such Members and non-Members play an important role in supporting the Exchange's Stock-Option Order functionality. These Members and non-Members fulfill a very specific function for the benefit of all Exchange participants. The Exchange proposes to waive the fees for up to two 1 Gb connections for Members and non-Members that use the connection solely to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange. There are a number of costs associated with providing such routing services and the Exchange believes that this proposal to reduce the overall burden to provide Stock-Option Order routing services to retain or attract more Members and non-Members to do so.

The proposal is equitable and reasonable because it is intended to incentivize participants to provide or continue to provide routing services to the Exchange so that it may offer Stock-Option Order routing functionality to all market participants. The proposed change is designed to encourage participants to provide or continue to

⁶ See Fee Schedule, Sections 5(a)–(b). The Exchange assesses a different fee for 10 Gb ULL connectivity to the primary/secondary facility, as well as different 1 Gb and 10 Gb connectivity fees to the disaster recovery facility. These connections and the amount the Exchange assesses per connection are not subject to this proposal.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ 15 U.S.C. 78f(b)(4).

provide routing services for Stock-Option Orders by providing them up to two 1 Gb connections for no charge when those connections are used solely to route the stock portion of a Stock-Option Order to an away equities Trading Center for execution on behalf of the Exchange.

Lastly, offering a limited number of connections for no charge as proposed herein is not new or novel. Other exchanges provide a certain number of connections for no charge when those connections are used solely for a specific purpose.¹⁰

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will result in any burden on inter-market competition for the following reasons. A number of other exchanges offer similar stock-option order functionality¹¹ and the proposal would help to provide for robust routing capabilities for the stock portion of such orders. There is significant competition for this order flow among options exchanges to attract, retain, and incentivize this order flow. The Exchange believes that this proposal will enhance the Exchange's ability to compete for such order flow by incentivizing Members and non-Members to route the stock portion of a Stock-Option Order, resulting in additional competition among exchanges to the benefit of the markets.

The Exchange does not believe that the proposed rule change will result in any burden on intra-market competition because any Member or non-Member that wishes to provide such routing functionality will be eligible for such waiver. Meanwhile, Members and non-Members that are already provide such routing functionality will also be eligible and this proposal will serve as a means to encourage those Members and non-Members to continue to do so. The Exchange does not believe that the

proposed changes represent a significant departure from pricing offered by the Exchange's competitors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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,¹² and Rule 19b-4(f)(2)¹³ thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or 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 (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-SAPPHIRE-2025-43 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-SAPPHIRE-2025-43. 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-SAPPHIRE-2025-43 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-22865 Filed 12-15-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Advisers Act Release No. 6931; File No. 803-00287]

Parametric Portfolio Associates LLC

December 11, 2025.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of application for an exemptive order under Section 206A of the Investment Advisers Act of 1940 (the "Act") and rule 206(4)-5 under the Act.

APPLICANT: Parametric Portfolio Associates LLC.

SUMMARY OF APPLICATION: The Applicant requests that the Commission issue an order under Section 206A of the Act and rule 206(4)-5(e) under the Act exempting it from rule 206(4)-5(a)(1) under the Act to permit the Applicant to receive compensation from a government entity for investment advisory services provided to the government entity within the two-year period following a contribution by a covered associate of the Applicant to an official of the government entity.

FILING DATES: The application was filed on September 26, 2025.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretaries-Office@sec.gov and serving the Applicant with a copy of the request by email, if an email address is listed for the Applicant below, or personally or by mail, if a physical address is listed for the Applicant below. Hearing requests

¹⁰ See, e.g., The Nasdaq Stock Market LLC, General 8: Connectivity, Section 2(b) (providing two connections for free for Third Party Services Direct Connection per client to UTP SIP feeds only); and Cboe BZX Exchange, Inc. Fee Schedule, Physical Connectivity Fees section (providing that "[a] Member that is a registered Lead Market Maker shall have Physical Connectivity Fees waived connected solely to the BZX Equities Disaster Recovery data center for the first twelve month physical connectivity.").

¹¹ See, e.g., Cboe EDGX Exchange, Inc. Rule 21.20(b) (describing Stock-Option Orders); and Nasdaq Phlx LLC Options 3, Section 14(a)(i).

¹² 15 U.S.C. 78s(b)(3)(A)(ii).

¹³ 17 CFR 240.19b-4(f)(2).

¹⁴ 17 CFR 200.30-3(a)(12).

should be received by the Commission by 5:30 p.m. on January 5, 2026, and should be accompanied by proof of service on the Applicant in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons may request notification of a hearing by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. The Applicant: Parametric Portfolio Associates LLC *Patrick.Secor@morganstanley.com*.

FOR FURTHER INFORMATION CONTACT: Asaf Barouk, Senior Counsel, or Matthew Cook, Acting Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For the Applicant's representations, legal analysis, and conditions, please refer to the Applicant's application, dated September 26, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for the Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–22851 Filed 12–15–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Advisers Act Release No. 6932; File No. 803–00283]

True Venture Management, L.L.C.

December 11, 2025.

AGENCY: Securities and Exchange Commission (“Commission”).

ACTION: Notice.

Notice of application for an exemptive order under Section 206A of the Investment Advisers Act of 1940 (the “Act”) and rule 206(4)–5 under the Act.

APPLICANT: True Venture Management, L.L.C.

SUMMARY OF APPLICATION: The Applicant requests that the Commission issue an order under Section 206A of the Act and rule 206(4)–5(e) under the Act exempting it from rule 206(4)–5(a)(1) under the Act to permit the Applicant to receive compensation from a government entity for investment advisory services provided to the government entity within the two-year period following a contribution by a covered associate of the Applicant to an official of the government entity.

FILING DATES: The application was filed on July 7, 2025, and amended on August 8, 2025.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicant with a copy of the request by email, if an email address is listed for the Applicant below, or personally or by mail, if a physical address is listed for the Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on January 5, 2026, and should be accompanied by proof of service on the Applicant in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons may request notification of a hearing by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. The Applicant: True Venture Management, L.L.C. *zpark@cov.com*; *legal@trueventures.com*.

FOR FURTHER INFORMATION CONTACT: Priscilla Dao, Senior Counsel, or Matthew Cook, Acting Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For the Applicant's representations, legal analysis, and conditions, please refer to the Applicant's amended and restated application dated August 8, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for the Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call

the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–22852 Filed 12–15–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104369; File No. SR–CboeBZX–2025–159]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Fees for Its Complex Order Market Data Feeds

December 11, 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 December 4, 2025, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (the “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

Cboe BZX Exchange, Inc. (the “Exchange” or “BZX Options”) proposes to adopt fees for its market data feeds. The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/bzx/), 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

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

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 Exchange proposes to modify its fee schedule to implement fees for its BZX Options Complex Depth, BZX Options Complex Top, and BZX Options Complex Auction Feeds for the Exchange's Complex Order Book³ (collectively, the "Complex Order Feeds").⁴ BZX Options Complex Depth is a data feed that offers depth of book quotations and execution information based on options orders entered onto the Complex Order Book. BZX Options Complex Top is a data feed that offers top of book quotations and execution information based on orders entered onto the Complex Order Book. Finally, BZX Options Complex Auction provides information regarding the current status of price and size information related to auctions conducted by the Exchange for the Complex Order Book. Similar to the Exchange's BZX Options Depth Feed and BZX Options Top Feed, the Complex Order Feeds are all real-time market data feeds. Each of the Exchange's Complex Order Feeds can help subscribers make informed investment decisions and operate in the same manner as the Exchange's affiliated options exchange feeds.⁵ Market participants are not required to purchase the Complex Order Feeds. Moreover, market participants are not required to purchase a Complex Order Feed in order to receive BZX Options Top or BZX Options Depth. Similarly, market participants are not required to purchase BZX Options Top or BZX Options Depth in order to receive the Complex Order Feeds.

The proposed Complex Order Feed fees include the following, each of which are described in detail below: (i)

Distribution fees for both Internal Distributors⁶ and External Distributors;⁷ and (ii) Usage fees for both Professional Users⁸ and Non-Professional Users.⁹ For a mid-month subscription, the monthly fees shall be prorated based on the initial date of subscription.¹⁰

**BZX OPTIONS COMPLEX TOP/
COMPLEX DEPTH/COMPLEX AUCTION**

Internal Distribution Fee	\$2,000/month
External Distribution Fee	\$1,500/month.
Professional User Fee	\$20/month.
Non-Professional User Fee	\$1.00/month.

Distribution Fees

The Exchange proposes charging Internal Distributors \$2,000 per month, and External Distributors \$1,500 per month, to access and distribute any one or all of the Complex Order Feeds. Additionally, the Exchange proposes to add language to its fee schedule providing that when a Distributor receives a Complex Order Feed for both Internal and External Distribution the

⁶ An Internal Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity.

⁷ An External Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity.

⁸ A Professional User of an Exchange Market Data product is any User other than a Non-Professional User.

⁹ A "Non-Professional User" of an Exchange Market Data product is a natural person or qualifying trust that uses Data only for personal purposes and not for any commercial purpose and, for a natural person who works in the United States, is not: (i) registered or qualified in any capacity with the Securities and Exchange Commission, the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an "investment adviser" as that term is defined in Section 202(a)(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt; or, for a natural person who works outside of the United States, does not perform the same functions as would disqualify such person as a Non-Professional User if he or she worked in the United States.

¹⁰ The Exchange notes that for the purposes of proration, the first date of initial subscription will be November 13, 2025, which is the date the US government, and United States Securities and Exchange Commission re-opened. Due to the US government shutdown, the Exchange initially submitted the proposed rule change on November 13, 2025 (SR-CboeBZX-2025-143). On November 25, 2025, the Exchange withdrew that proposal and submitted SR-CboeBZX-2025-153. On December 4, 2025, the Exchange withdrew that filing and submitted this proposal.

Distributor will be subject to the greater of the two Distribution fees.

Furthermore, the Exchange proposes to add language to its fee schedule that Distributors of any one of BZX Options Complex Top Feed, BZX Options Complex Depth Feed, and/or BZX Options Complex Auction Feed may receive, at no additional charge, access to any or all of the aforementioned Complex Order Feeds.

User Fees

The Exchange proposes to assess a monthly fee for Professional Users of \$20 per User. Non-Professional Users will be assessed a monthly fee of \$1.00 per User. Distributors that receive any one BZX Options Complex Depth Feed, BZX Options Complex Top Feed, and/or the BZX Options Complex Auction Feed, will be required to count every Professional User and Non-Professional User to which they provide the market data product(s), the requirements for which are identical to that currently in place for other market data products offered by the Exchange's equity trading platform. A User of any one of the Complex Order Feeds may receive, at no additional charge, access to any or all of the other aforementioned Complex Order Feeds. Thus, a Distributor's count will include every person and device that accesses the data regardless of the purpose for which the individual or device uses the data. Distributors must report all Professional and Non-Professional Users in accordance with the following:

- In connection with a Distributor's distribution of a Complex Order Feed, the Distributor should count as one User each unique User that the Distributor has entitled to have access to the market data product. However, where a device is dedicated specifically to a single individual, the Distributor should count only the individual and need not count the device.

- The Distributor should identify and report each unique User. If a User uses the same unique method to gain access to the Complex Order Feed, the Distributor should count that as one User. However, if a unique User uses multiple methods to gain access to the Complex Order Feed (e.g., a single User has multiple passwords and user identifications), the Distributor should report all of those methods as an individual User.

- Distributors should report each unique individual person who receives access through multiple devices as one User so long as each device is dedicated specifically to that individual.

- If a Distributor entitles one or more individuals to use the same device, the

³ Complex Order Book and COB The terms "Complex Order Book" and "COB" mean the Exchange's electronic book of complex orders used for all trading sessions. See BZX Rule 21.18.

⁴ The Complex Order feeds were introduced by the Exchange on October 13, 2025. See SR-CboeBZX-2025-127. The Complex Order feeds were launched in conjunction with BZX Options' offering of complex order types, effective October 13, 2025. See SR-CboeBZX-2025-126.

⁵ See e.g., Cboe EDGX Rule 21.15(b)(1), 21.15(b)(2) and 21.15(b)(5). Noting that all three feeds: EDGX Options Depth, EDGX Options Top and EDGX Options Auction Feed, offer separate data feeds for the EDGX Simple Book and EDGX Complex Order Book as such terms are defined in EDGX Rule 21.20.

Distributors should include only the individuals, and not the device, in the count.

Each of these proposed changes will be codified on the Exchange's Fee Schedule in a new section titled, "BZX Options Complex Top, Complex Depth, Complex Auction Feeds:".

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹¹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹² requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹³ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,¹⁴ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In adopting Regulation NMS, the Commission granted self-regulatory organizations ("SROs") and broker-dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed Complex Order Feeds are the sort of market data product that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation

NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition: "[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data."¹⁵

By removing "unnecessary regulatory restrictions" on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. The Exchange's Complex Order Feeds provide investors with new options for receiving market data, which was a primary goal of the market data amendments adopted by Regulation NMS.¹⁶

The Complex Order Feeds are designed for firms that are interested in gaining insight into the real time market data for the Complex Order Book. The Exchange believes that providing this optional data to interested market participants for a fee is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to Exchange activity to market participants making routing decisions concerning their options order. Furthermore, the Complex Order Feeds would benefit investors by facilitating their prompt access to the value-added information in connection with the launch of Complex Orders on BZX.¹⁷ The Complex Order Feeds will also enable market participants to make informed decisions for trading on the Exchange's Complex Order Book by using the Exchange Complex Order Feeds to assess current market conditions that directly affect such decisions.

The Exchange believes the proposed fees for the Complex Order Feeds are reasonable as the Exchange is offering any market participant access to subscribe to this report in the subscribing firm's sole discretion and

based on their own unique business needs. The report is optional for market participants to subscribe to if they believe it to be helpful and it is not required for Options Members¹⁸ to purchase in order to access the Exchange. Additionally, a subscriber may cancel their usage of a Complex Order Feed at any time.

In addition, the proposed fees would not permit unfair discrimination because all of the Exchange's subscribers and market data vendors will be subject to the proposed fees on an equivalent basis. The Complex Order Feeds are distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Accordingly, Distributors and Users can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

Distribution Fees

The Exchange believes that the Distribution Fees for the Complex Order Feeds are reasonable and fair in light of alternatives offered by other market centers. The Complex Order Feeds provides investors with alternative market data and competes with a similar market data product currently offered by PHLX. Specifically, PHLX charges a fee of \$5,500 per month for internal distribution, and \$6,000 per month for external distribution, of its TOPO Plus Order feed ("TOPO Plus").¹⁹ The Exchange notes that TOPO Plus provides subscribers with access to both simple and complex PHLX options order data,²⁰ while subscribers to an Exchange Complex Order Feed product must separately purchase a Complex

¹⁸ The term "Options Member" means a firm, or organization that is registered with the Exchange pursuant to Chapter XVII of these Rules for purposes of participating in options trading on BZX Options as an "Options Order Entry Firm" or "Options Market-Maker." See BZX Rule 16.1.

¹⁹ See Price List—U.S. Derivatives Data, available at: <https://data.nasdaq.com/price-list#TOPOPlusPHLXOrders>.

²⁰ See "Market Data Product Matrix and Specifications," PHLX—TOPO Plus Order, "Provides simple and complex PHLX order data from the PHLX Orders data feed as well as top of file quotation information and PHLX last sale data from the Top of PHLX Options (TOPO) data feed.); available at: https://data.nasdaq.com/market-data-specifications#options_q.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ *Id.*

¹⁴ 15 U.S.C. 78f(b)(4).

¹⁵ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) ("Regulation NMS Adopting Release").

¹⁶ See Regulation NMS Adopting Release, *supra*, at 37503.

¹⁷ See SR—CboeBZX—2025—126.

Order Feed and BZX Options Top and/or BZX Options Depth. Importantly,

however, the Exchange notes that the costs of doing so are still less than that

charged by PHLX, for both internal and external distribution.

	Internal	External
BZX product:		
BZX Options Top/BZX Options Depth ("Simple Book Feeds")	\$3,000/month	\$2,000/month.
Complex Order Feed	\$2,000/month	\$1,500/month.
Total	\$5,000/month	\$3,500/month.
PHLX Product:		
TOPO	\$5,500	\$6,000.

Specifically, an Exchange Internal Distributor who purchased both BZX Options Top and/or BZX Options Depth, as well as a Complex Order Feed, would be assessed a total monthly fee of \$5000 (\$3,000 + \$2,000), which is less than the monthly fee of \$5,500 that an internal distributor would be assessed by PHLX for subscribing to TOPO. Notably, by purchasing any one of BZX Options Top or BZX Options Depth, the Internal Distributor would have access to both data feeds. Likewise, by purchasing any one of the Complex Order Feeds, the Internal Distributor would have access to any of the aforementioned Complex Order Feeds.

Similarly, an External Distributor who purchased both BZX Options Top and/or BZX Options Depth, as well as a Complex Order Feed, would be assessed a total monthly fee of \$3,500 (\$2,000 + \$1,500), which is less than the monthly fee \$6,000 that an external distributor would be assessed by PHLX for subscribing to TOPO. Notably, by purchasing any one of BZX Options Top or BZX Options Depth, the Internal Distributor would have access to both data feeds. Likewise, by purchasing any one of the Complex Order Feeds, the Internal Distributor would have access to any of the aforementioned Complex Order Feeds.

An Internal and External Distributor of BZX Options Top and/or BZX Options Depth, as well as a Complex Order Feed would be charged the greater of two fees for the Simple Book Feeds, and separately for the Complex Order Feed, for a total of \$5,000 per month (\$3,000 + \$2,000). This fee is still less than the fees charged by PHLX for either internal distribution (\$5,500 per month) or external distributions (\$6,000 per month).

User Fees

The Exchange believes its proposed Non-Professional and Professional User fees for its Complex Order Feeds are reasonable because they are comparable to similar fees assessed by the Exchange's competitors. For instance, Nasdaq Options Market charges \$1.00

per non-professional user, and \$42.10 per professional user.²¹ Here, each of the proposed fees is either equal to or less than that charged by Nasdaq Options Market for their non-professional and professional users. Specifically, the Exchange proposes to also charge \$1.00 per Non-Professional User, but only \$20.00 per Professional User. Additionally, an Exchange User of any one of the Complex Order Feeds may have access to any or all of the other aforementioned Complex Order Feeds.

The Exchange further notes that its proposed Non-Professional and Professional User fees for its Complex Order Feeds are identical to those charged by MIAx Options for its Top of Market ("ToM") and Complex Top of Market ("cToM").²² Moreover, like MIAx, an Exchange User of any one of the Complex Order Feeds may have access to any or all of the other aforementioned Complex Order Feeds.

Additionally, Nasdaq MRX charges Professional Users \$25.25 per month and Non-Professional Users \$1.00 per month for the Nasdaq MRX Top of Market feed and the Nasdaq MRX Depth of Market Feed.²³ Notably, the Exchange's proposed Professional User fees for its Complex Order Feeds are less than those charged by Nasdaq MRX. Specifically, for each Complex Order Feed the Exchange seeks to charge \$1.00 per month for each Non-Professional User and \$20.00 per month for each Professional User. The Exchange's proposed Professional User fee (\$20.00/per user, per month) is lower than Nasdaq MRX's professional user fee (\$25.25/per user, per month) and its Non-Professional User fee is equal to

Nasdaq MRX's non-professional user fee. Additionally, an Exchange User of any one of the Complex Order Feeds may have access to any or all of the other aforementioned Complex Order Feeds.

Overall, each of the above examples of other exchanges' market data fees support the proposition that the Exchange's proposed User fees are comparable to those of other exchanges and therefore reasonable.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that charging for access to its Complex Order Feeds will enhance competition by providing market participants with a new option for receiving market data. The Exchange's proposed fees for its Complex Order Feeds will also further enhance competition between exchanges as other exchanges also offer market data feeds for their own complex order books.²⁴ Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase any of the Complex Order Feeds. Rather, the Exchange is making these additional order feeds available, and firms may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

²¹ See Price List—U.S. Derivatives Data, available at: <https://data.nasdaq.com/price-list#NasdaqOptionsMarketUserFees>.

²² See "MIAx Options Fee Schedule," MIAx Top of Market ("ToM") and Complex Top of Market ("cToM"), available at: https://www.miaxglobal.com/sites/default/files/fee-schedule-files/MIAx_Options_Fee_Schedule_09122025.pdf.

²³ See Price List—U.S. Derivatives Data, available at: <https://data.nasdaq.com/price-list#NasdaqMRXSubscriberFees>.

²⁴ See Securities Exchange Act Release No. 85207 (February 27, 2019), 84 FR 7963 (March 5, 2019) (SR-EMERALD-2019-09) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Establish MIAx Emerald Top of Market Data Feed, MIAx Emerald Complex Top of Market Data Feed, MIAx Emerald Administrative Information Subscriber Data Feed, and MIAx Emerald Order Feed).

In addition, the proposed fees are constrained by competition. The existence of alternatives to the Complex Order Feeds further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives. That is, the Exchange competes with other exchanges (and their affiliates) that provide similar market data products. If another exchange (or its affiliate) were to charge less to distribute its similar product than the Exchange charges to distribute its Complex Order Feeds, prospective Users likely would not subscribe to, or would cease subscribing to these market data products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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) of the Act²⁵ and paragraph (f) of Rule 19b-4²⁶ thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change 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 (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-159 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-CboeBZX-2025-159. 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-CboeBZX-2025-159 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-22864 Filed 12-15-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0247]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Form N-8B-4

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Form N-8B-4 (17 CFR 274.14) is the form used by face-amount certificate companies to comply with the filing and disclosure requirements imposed by

Section 8(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-8(b)). Among other items, Form N-8B-4 requires disclosure of the following information about the face-amount certificate company: date and form of organization; controlling persons; current business and contemplated changes to the company's business; investment, borrowing, and lending policies, as well as other fundamental policies; securities issued by the company; investment adviser; depositaries; management personnel; compensation paid to directors, officers, and certain employees; and financial statements. The Commission uses the information provided in the collection of information to determine compliance with Section 8(b) of the Investment Company Act of 1940.

Each registrant files Form N-8B-4 for its initial filing and does not file post-effective amendments to Form N-8B-4.¹ There are currently only two existing face-amount certificate companies, and only one face-amount certificate company has filed a Form N-8B-4 since the last OMB information collection approval for this form. Prior to that filing, no face-amount certificate company had filed a Form N-8B-4 in the last ten years. Based on the foregoing, for purposes of estimating the average burden hours and cost of this information collection, Commission staff estimates that one respondent will file Form N-8B-4 each year.

Based on our experience with Form N-8B-4 and disclosure documents in general, we estimate the burden hours for preparing and filing registration statements on Form N-8B-4 is approximately 10 hours per respondent. The number of burden hours may vary depending on, among other things, the complexity of the filing and whether preparation of the registration statement is performed internally or by outside counsel. Based on the foregoing, the Commission staff estimates the total annual burden for this form to be 10 hours (10 burden hours per respondent × 1 respondent × 1 response = 10 total annual burden hours). The total estimated annual cost of the burden hours is \$5,800. Estimates of the burden hours are made solely for the purposes of the PRA and are not derived from a

¹ Pursuant to Section 30(b)(1) of the Act (15 U.S.C. 80a-29), each respondent keeps its registration statement current through the filing of periodic reports as required by Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) and the rules thereunder; post-effective amendments are filed with the Commission on the face-amount certificate company's Form S-1; hence, respondents only file Form N-8B-4 for their initial registration statement and not for post-effective amendments.

²⁵ 15 U.S.C. 78s(b)(3)(A).

²⁶ 17 CFR 240.19b-4(f).

²⁷ 17 CFR 200.30-3(a)(12).

comprehensive or even a representative survey or study of the costs of SEC rules and forms.

The information provided on Form N-8B-4 is mandatory. The information provided on Form N-8B-4 will not be kept confidential. 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.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (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.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to PaperworkReductionAct@sec.gov by February 17, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: December 12, 2025.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-22951 Filed 12-15-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0278]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 204-2

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("SEC" or "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of

Management and Budget ("OMB") for extension and approval.

The title for the collection of information is "Rule 204-2" (17 CFR 275.204-2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b-4). Rule 204-2 sets forth the requirements for maintaining and preserving specified books and records. The collection of information under rule 204-2 is necessary for the Commission staff to use in its examination and oversight program. This collection of information is mandatory. Responses provided to the Commission in the context of its examination and oversight program are generally kept confidential. The respondents to the collection of information are investment advisers registered with the Commission. The records that an adviser must keep in accordance with rule 204-2 must generally be retained for not less than five years.

The respondents to the collection of information are investment advisers registered with the Commission. The Commission has estimated that compliance with the requirements of the rule imposes a total burden of approximately 184,9298 hours for an adviser. As of December 31, 2024, there were 15,906 SEC registered advisers. Based on this figure, the Commission staff estimates a total annual burden of 2,941,493.4 hours.

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.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to PaperworkReductionAct@sec.gov by February 17, 2026. There will be a second opportunity to comment on this SEC request following the **Federal**

Register publishing a 30-Day Submission Notice.

Dated: December 12, 2025.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-22947 Filed 12-15-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104364; File No. SR-CboeEDGX-2025-082]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Offer a Free Trial for Certain Ad-Hoc Historical Data

December 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 3, 2025, Cboe EDGX Exchange, Inc. (the "Exchange") filed with the Securities and Exchange Commission (the "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

Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX Options") proposes to amend its Fee Schedule to offer a free trial for up to six months for ad-hoc historical data requests for its End-of-Day, Intraday Ten-Minute Interval, and Intraday One-Minute Interval, Open-Close Data (collectively, "Historical Open-Close Data"), to all EDGX Options Members and non-Options Members, who have not previously subscribed to Historical Open-Close Data or previously received a free trial. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 Exchange proposes to amend its Fee Schedule to offer a free trial for up to six months for ad-hoc historical data requests for its End-of-Day, Intraday Ten-Minute Interval, and Intraday One-Minute Interval, Open-Close Data (collectively, "Historical Open-Close Data"), to all EDGX Options Members³ and non-Options Members, who have not previously subscribed to Historical Open-Close Data or previously received a free trial. The free trial for Historical Open-Close Data is effective starting, November 24 [sic], 2025. The Exchange also seeks to remove language from its Fee Schedule language providing a 20% discount for the purchase of Historical Open-Close Data totaling \$20,000 or more, from April 23, 2025 through June 30, 2025, because this period has now expired.

By way of background, the Exchange currently offers End-of-Day ("EOD") and Intraday Open-Close Data (collectively, "Open-Close Data"). EOD Open-Close Data is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Open-Close Data is proprietary Exchange trade data and does not include trade data from any other

exchange. It is also a historical data product and not a real-time data feed.

The Intraday Open-Close Data provides summary level data of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. The Intraday Open-Close Data is offered in two different intervals, where options transaction data is captured in snapshots taken either every 1-minute interval or 10-minute interval during the trading day. This data is then made available to subscribers within five minutes of the conclusion of the 1-minute or 10-minute interval period. The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close Data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Free Trial

The Exchange seeks to establish a free trial for historical ad hoc requests for End-of-Day Open-Close Data and historical ad hoc requests for Intraday Open-Close Data (both 1-minute interval and 10-minute interval) to all EDGX Options Members and non-Options Members, who have not previously subscribed to Historical Open-Close Data or previously received a free trial. Historical Open-Close Data is available to all customers at the same price and in the same manner. The current charge for historical ad hoc requests of End-of-Day Open-Close Data is \$400 per request, per month. An ad hoc request can be for any number of months beginning with January 2018, for which data is available. The current charge for historical Ten-Minute Intraday Open-Close Data is \$500 per request, per month, and \$1,500 per request, per month, for historical One-Minute Intraday Open-Close Data. The Exchange now proposes to adopt a free trial for up to 6 months for Historical Open-Close Data to both Options Members and non-Options Members who have not previously purchased

Historical Open-Close Data or previously received a free trial.

The Exchange believes proposed trial will serve as an incentive for new subscribers who have never purchased Historical Open-Close Data to start purchasing such data. Particularly, the Exchange believes it will give potential subscribers the ability to use and test the data offering before signing up for additional months. The Exchange also notes another exchange offers a free trial for new subscribers of a similar data product.⁴ Lastly, the purchase of Historical Open-Close Data is discretionary and not compulsory.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁵ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁶ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations ("SROs") and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes the proposed free trial of Historical Open-Close Data will further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The Exchange's

⁴ See Nasdaq ISE, Options 7 Pricing Schedule, Section 4(g), Nasdaq Options Market Data Distributor Fees, 30-Day Free Trial Offer.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ *Id.*

³ The term "Options Member" means a firm, or organization that is registered with the Exchange pursuant to Chapter XVII of these Rules for purposes of participating in options trading on EDGX Options as an "Options Order Entry Firm" or "Options Market-Maker." See EDGX Rule 16.1.

Historical Open-Close Data is designed to help investors understand underlying market trends to improve the quality of investment decisions. Indeed, subscribers to the data may be able to enhance their ability to analyze option trade and volume data and create and test trading models and analytical strategies. The Exchange believes its Historical Open-Close Data provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading and as noted above, is entirely optional. Moreover, as noted at least one other exchange offers a similar data product which offer same type of data content through end-of-day or intraday report.⁸

The Exchange also operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, 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.”⁹ Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchange’s data product as more or less attractive than the competition they can and do switch between similar products. The proposed free trials are a result of the competitive environment, as the Exchange seeks to adopt a fee waiver to attract future purchasers of its Historical Open-Close Data.

The Exchange believes that the proposed free trial for any Options Member or non-Options Member who has not previously purchased Historical Open-Close Data or received a free trial is reasonable because such users would not be subject to fees for up to 6 months’ worth of Historical Open-Close Data. The Exchange believes the proposed free trial is also reasonable as it will give potential subscribers the ability to use and test the Historical Open-Close Data

prior to purchasing additional months and will therefore encourage and promote new users to purchase the Historical Open-Close Data. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all Options Members and non-Options Members who have not previously purchased Historical Open-Close Data or received a free trial. Also as noted above, another exchange offers a free trial to new users for a similar data product.¹⁰ Lastly, the purchase of this data product is discretionary and not compulsory.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As discussed above, Historical Open-Close Data is subject to direct competition from several other options exchanges that offer substitutes to Historical Open-Close Data. Moreover, purchase of Historical Open-Close is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The proposed rule change is grounded in the Exchange’s efforts to compete more effectively. The Exchange is proposing to provide a free trial for market participants to test investment strategies and trading models, and develop market sentiment indicators. This change will not cause any unnecessary or inappropriate burden on intermarket competition, but rather will promote competition by encouraging new market participants to investigate the product. Other exchanges are, of course, free to match this change or undertake other competitive responses, enhancing overall competition. Indeed, as discussed, another exchange currently offers a similar free-trial period for similar data.¹¹

The proposed rule change will not cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed rule change

will apply to all Options Members and non-Options Members who have never made an ad-hoc request to purchase Historical Open-Close historical data, or received a free trial. Moreover, purchase of Historical Open-Close Data is discretionary and not compulsory.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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) of the Act¹² and paragraph (f) of Rule 19b-4¹³ thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change 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-CboeEDGX-2025-082 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-CboeEDGX-2025-082. 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

⁸ *Supra* note 4.

⁹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

¹⁰ *Supra* note 4.

¹¹ *Supra* note 4.

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f).

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-CboeEDGX-2025-082 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-22860 Filed 12-15-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104359; File No. SR-OCC-2025-018]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Partial Amendment No. 1 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Partial Amendment No. 1, by The Options Clearing Corporation Concerning Methodology To Allocate Clearing Fund Deposit Requirements Among Its Clearing Members To Better Align the Allocation With the Sizing of the Clearing Fund so Stress Based Risk Is Fairly Allotted to Market Participants That Expose OCC to Such Stress Risk

December 11, 2025.

I. Introduction

On September 26, 2025, the Options Clearing Corporation (“OCC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change SR-OCC-2025-018, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”) ¹ and Rule 19b-4 ² thereunder, to amend its allocation methodology for the Clearing Fund deposit requirements of its Clearing Members by realigning the allocation to correspond to the sizing of the Clearing Fund so that certain stress-based risk is proportionally allotted to market

participants that expose OCC to such risk.³ The proposed rule change was published for public comment in the **Federal Register** on October 1, 2025.⁴ On October 7, 2025, OCC amended SR-OCC-2025-018 to append an Exhibit 2 to documents filed as part of File No. SR-OCC-2025-018 on September 26, 2025 (hereinafter, together, defined as “Proposed Rule Change”).⁵ On November 3, 2025, pursuant to Section 19(b)(2) of the Exchange Act,⁶ the Commission designated a longer period within which to approve, disapprove, or institute proceedings to determine whether to approve or disapprove the Proposed Rule Change, until December 30, 2025.⁷ The Commission has received no comments regarding the Proposed Rule Change. The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons, and, for the reasons discussed below, is approving the Proposed Rule Change, as modified by Partial Amendment No. 1.

II. Background

OCC is a central counterparty (“CCP”), which means that, as part of its function as a clearing agency, it interposes itself as the buyer to every seller and the seller to every buyer for certain financial transactions. As the CCP for the listed options markets in the United States,⁸ as well as for certain futures and stock loans, OCC is exposed to various risks arising from providing clearance and settlement services to its Clearing Members. Because OCC is obligated to perform on the contracts it clears, one such risk that OCC is exposed to is credit risk, including the risk that OCC would not maintain sufficient financial resources to cover exposures if one of its Clearing Members defaults.

Among the ways that OCC manages credit risk during a Clearing Member failure is by periodically collecting margin collateral from Clearing Members on an individual basis and, to

the extent this margin collateral is insufficient to cover OCC's credit exposure in the event of a Clearing Member default, maintaining a Clearing Fund, which is a mutualized pool of financial resources to which each Clearing Member is required to contribute. OCC establishes the size of its Clearing Fund on a monthly basis, in part, at an amount determined by OCC to be sufficient to protect it against losses stemming from the default of the two Clearing Member Groups that would potentially cause the largest aggregate credit exposure for OCC under stress test scenarios that represent extreme but plausible market conditions.⁹ Each Clearing Member's proportionate contribution to the Clearing Fund is a function of that member's proportionate share of total risk,¹⁰ open interest, and volume.¹¹ OCC currently uses a one-month lookback when calculating a member's proportionate share of the Clearing Fund.¹²

Although the current Clearing Fund allocation methodology contemplates risk as a function of margin, it does not include a component that takes into account the same stressed losses used to size the Clearing Fund when determining each Clearing Member's required Clearing Fund deposit. OCC states that the lack of such a stress loss component creates an inconsistency between the sizing and allocation across the membership.¹³ To address this inconsistency, OCC proposes to include such a component in the allocation methodology, allowing OCC to distribute individual Clearing Fund requirements based on the directional stressed risk that Clearing Members present to OCC.

Specifically, OCC proposes to modify OCC's allocation weighting formula for allocating Clearing Fund Contribution requirements by (a) introducing a 70 percent Clearing Fund risk-based shortfall allocation based on stress loss in excess of margin (the “shortfall”);

³ See Notice of Filing *infra* note 4, at 90 FR 47383.

⁴ See Securities Exchange Act Release No. 104111 (Sept. 26, 2025), 90 FR 47383 (Oct. 1, 2025) (File No. SR-OCC-2025-018) (“Notice of Filing”).

⁵ Exhibit 2 consists of communication from OCC to its Clearing Members discussing, amongst other things, the proposed rule change in File No. SR-OCC-2025-018. This amendment does not change the purpose of or basis for SR-OCC-2025-018.

⁶ 15 U.S.C. 78s(b)(2).

⁷ See Securities Exchange Act Release No. 104173 (Nov. 3, 2025), 90 FR 51424 (Nov. 17, 2025) (File No. SR-OCC-2025-018).

⁸ OCC describes itself as “the sole clearing agency for standardized equity options listed on a national securities exchange registered with the Commission (‘listed options’).” See Securities Exchange Act Release No. 96533 (Dec. 19, 2022), 87 FR 79015 (Dec. 23, 2022) (File No. SR-OCC-2022-012).

⁹ OCC Rule 1001(a). OCC determines the size of its Clearing Fund based on the daily output of stress tests conducted using a range of foreseeable scenarios that utilize standard pre-determined parameters and assumptions, including: (1) relevant peak historic price volatilities; (2) shifts in other market factors including, as appropriate, priced determinants and yield curves; (3) the default of one or multiple members; (4) forward-looking stress scenarios. See Notice of Filing, 90 FR at 47384.

¹⁰ Total risk in this context refers to a member's proportionate share of margin posted to OCC. See OCC Rule 1003(b)(i).

¹¹ OCC Rule 1003(a). The proportionate requirements are determined over and above the contribution of \$500,000 per Clearing Member. See *id.*

¹² See Notice of Filing, 90 FR at 47386.

¹³ Notice of Filing, at 47384.

¹⁴ 17 CFR 200.30-3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

and (b) changing the weighting percentages by reducing the margin allocation from 70 percent to 15 percent and open interest to zero percent. These changes would result in a new weighting scheme of 70 percent shortfall, 15 percent margin, and 15 percent cleared volume. As part of the change to allocation weighting, OCC also proposes to extend the lookback period from one month to three months of data to align with parameters OCC uses when sizing the Clearing Fund. Secondly, OCC proposes to adopt rules that would authorize OCC to hold allocation weights constant month-over-month in light of volatile market conditions. Finally, OCC proposes to make clarifying and conforming changes to the Clearing Fund Methodology Policy ("Policy"), and Comprehensive Stress Testing & Clearing Fund Methodology, and Liquidity Risk Management Description ("Methodology Description").

A. Modifications to the Allocation Weighting Formula

As noted above, OCC proposes to replace the current allocation weighting (70 percent total risk, 15 percent open interest, and 15 percent volume) with a new weighting that aligns more closely with OCC's Clearing Fund sizing methodology (70 percent shortfall,¹⁴ 15 percent margin,¹⁵ and 15 percent volume). Given the proposed weighting scheme, the proposed methodology would be driven primarily by a Clearing Member's proportionate share of shortfalls (*i.e.*, the estimated stress loss exposure in excess of margin requirements) and would use the same Clearing Fund sizing scenarios to calculate these shortfalls.¹⁶ OCC believes, based on its analysis of different allocation weightings, that this specific allocation scheme generates a balance between the various risks captured by each component and would align the Clearing Fund allocation with the exposure driving the size of the

Clearing Fund.¹⁷ OCC also proposes to align the lookback period for all allocation-related measures with the parameters used to size the Clearing Fund by moving from a one-month lookback to a three-month lookback.

OCC provided data describing how the proposed methodology could affect contributions by its Clearing Members.¹⁸ OCC observed that, overall, the proposed approach allocates the Clearing Fund in a more distributed fashion within the top 10 Clearing Members (as measured by highest Clearing Fund contribution amounts), with some members experiencing larger changes relative to other Clearing Members.¹⁹ Under the proposed methodology, while the top 10 Clearing Members would have experienced, on average, a 1.28 percent increase in their Clearing Fund contributions, the top five Clearing Members within that group would have experienced, on average, a 2.67 percent decrease in such contributions.²⁰ Outside of the top 10 group, the remaining Clearing Members would have experienced a 1.28 percent decrease in average contributions.²¹

B. Authority To Hold Constant

As noted above, OCC proposes to adopt rules that would authorize it to hold allocation weights constant month-over-month in light of volatile market conditions. As OCC states in its proposal, when markets are highly volatile during periods of market stress, elevated margin coverage becomes more commonplace and consequently may reduce or even eliminate Clearing Fund shortfalls because of elevated margin requirements.²² This is because the shortfall component represents a stress loss in excess of margin. Thus, an increase in margin, all else being equal, results in a decreased shortfall.

As OCC further states in its proposal, reductions in shortfalls could cause the resulting Clearing Fund allocation to change dramatically month-over-month.²³ This is because the proposed changes to the allocation methodology described above reduce the weight of margin and give significant weight to shortfall. As a result, an increase in a Clearing Member's proportionate share of margin would not offset an equal reduction in that member's

proportionate share of shortfall under the proposed allocation methodology. OCC states that the proposed implementation of a three-month lookback would help to smooth month-over-month changes;²⁴ however, OCC believes it is possible the extended lookback alone may not be sufficient in the unlikely event that high volatility and reduced shortfalls persisted even though OCC did not observe such persistence in its analysis.²⁵

To address the potential impact of persistent high volatility on the allocation of Clearing Fund requirements, OCC proposes to adopt rules that would allow it to hold allocations constant month-over-month. As proposed, Rule 1003(c) would grant OCC the authority to make the hold-constant decision at its sole discretion. The rule would provide that any hold-constant decision would (i) be based upon then-existing facts and circumstances, (ii) be in furtherance of the integrity of OCC and the stability of the financial system, and (iii) take into consideration the legitimate interests of Clearing Members and market participants. Under the proposed Policy, OCC would exercise its hold-constant authority by conducting daily analyses of the output of OCC's sizing stress tests²⁶ and, if warranted, by escalating to the Chair of the Stress Testing Working Group ("STWG")²⁷ or the Chief Financial Risk Officer that an STWG meeting be convened to review, and approve or reject, a hold-constant

²⁴ *Id.*

²⁵ *Id.*

²⁶ In particular, these tests would be the Cover 2 Sizing Stress Tests, where "Cover 2" means "sufficient Pre-Funded Financial Resources, at a minimum, to enable OCC to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two Clearing Member Groups that would potentially cause the largest aggregate credit exposure in extreme but plausible market conditions." See Notice of Filing, 90 FR at 47384 n.23 and accompanying text. See also Notice of Filing, 90 FR at 47384 ("As described in the Methodology Description, OCC leverages a suite of sizing stress tests broadly categorized into two types: 'Systemic Scenarios' and 'Idiosyncratic Scenarios.' Systemic Scenarios are created to capture risk to OCC in an extreme event impacting all positions mainly driven by risk drivers, while Idiosyncratic Scenarios are used to assess the impact of extreme moves of specific equities in a Clearing Member portfolio. [. . .] OCC selects the largest aggregate stress test exposures as the primary basis for sizing the Clearing Fund.").

²⁷ See Notice of Filing, 90 FR at 47387 ("OCC believes the STWG is the appropriate OCC internal governing body to approve or reject such recommendation given the authority the Management Committee has delegated to it as the subject matter expert on OCC's financial risk and liquidity risk stress-testing scenarios, models, underlying parameters and assumptions, and stress test results.").

¹⁴ As proposed, OCC would define "shortfall" to mean "an estimated stress loss exposure in excess of margin amounts aggregated across all accounts of a Clearing Member determined using the Corporation's margin methodology and such add-on charges as may be determined pursuant to the Corporation's policies and procedures." See Notice of Filing, 90 FR at 47385.

¹⁵ "Margin" under the proposed rule would have the same meaning as "total risk" under the current rule. OCC states that using the term "margin" rather than "total risk" provides better clarity as to the metric upon which the factor is based. See *id.* at 47385 n. 12.

¹⁶ The shortfall component used in the allocation is based on the highest shortfall across all sizing scenarios for that Clearing Member on a given business date and will be treated as zero in the event there are no shortfalls.

¹⁷ See Notice of Filing, 90 FR at 47385. OCC provided the results of its analysis in confidential Exhibit 3 to File No. SR-OCC-2025-018. See *id.* at 47385 n. 14.

¹⁸ See Notice of Filing, 90 FR at 47386.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² See Notice of Filing, 90 FR at 47387.

²³ *Id.*

recommendation.²⁸ Such a recommendation would be supported by an analysis that may include and is not limited to the percentage of firms generating shortfalls, the size of peak shortfalls relative to the Clearing Fund size, a comparison of the Clearing Fund allocation projections to current requirements, and a breakdown of the allocation projections by component.²⁹ OCC would be required to notify Clearing Members and the Risk Committee of any hold-constant decision or reversion to the proportionate approach. Further, OCC would be required to notify the Commission and the Commodity Futures Trading Commission (“CFTC”) promptly of any decision to hold allocations constant and to provide the reasons for such decision.

C. Clarifying and Conforming Changes

Finally, OCC proposes clarifying and conforming changes to the Rules, Policy, and Methodology Description to align with the proposed changes to the Clearing Fund methodology. Such clarifying changes include the removal of Interpretation and Policy .03 of Rule 1003, which provides for implementation of the current allocation methodology and is no longer necessary. The conforming changes also include the introduction of “shortfall” into the provisions describing OCC’s Clearing Fund allocation methodology across the Rules, Policy, and Methodology Description. Similarly, OCC would remove references to “open interest” and other terms that are not relevant to the proposed allocation methodology.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Exchange Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to such organization.³⁰ Under the Commission’s Rules of Practice, the “burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory

organization [‘SRO’] that proposed the rule change.”³¹

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,³² and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.³³ Moreover, “unquestioning reliance” on an SRO’s representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.³⁴

After carefully considering the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to OCC. More specifically, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Exchange Act,³⁵ and with Exchange Act Rules 17ad–22(e)(18)³⁶ and 17ad–22(e)(2),³⁷ as described in detail below.

A. Consistency With Section 17A(b)(3)(F) of the Exchange Act

Section 17A(b)(3)(F) of the Exchange Act requires, among other things, that a clearing agency’s rules are not designed to permit unfair discrimination among participants in the use of the clearing agency.³⁸ Based on Commission’s review of the record, and for the reasons described below, the changes described above are consistent Section 17A(b)(3)(F) of the Exchange Act³⁹ because the changes would continue to align participants’ obligations with their use of the clearing agency.

OCC’s current methodology for allocating Clearing Fund requirements to its members is based in part on OCC’s exposure to such participants (as measured by margin) as well as metrics related to the transactions a participant submits for clearing (as measured by open interest and volume). While these

measures link a participant’s obligation to post collateral to the participant’s use of the clearing agency, they do not align with such obligations with the methodology for determining how much collateral is required. As described above, OCC proposed to change its allocation methodology to align, in large part, with OCC’s methodology for determining the collateral requirement to be allocated (*i.e.*, the size of the Clearing Fund). Such an allocation would continue to tie a participant’s obligation to post collateral with its use of OCC because it would tie such obligations to the exposures generated by the risk the participant poses to OCC in its cleared positions. Further, the proposed authority to hold allocations constant would provide OCC the ability to avoid potential distortions in allocation caused by persistently high market volatility.

Accordingly, the Proposed Rule Change is consistent with the requirements of Section 17A(b)(3)(F) of the Exchange Act.⁴⁰

B. Consistency With Rule 17ad–22(e)(18) Under the Exchange Act

Rule 17ad–22(e)(18) under the Exchange Act requires, in part, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to establish objective, risk-based, and publicly disclosed criteria for participation, which permit fair and open access by direct, and where relevant, indirect participants and other financial market utilities, require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency, and monitor compliance with such participation on an ongoing basis.⁴¹

OCC manages its credit exposures, in part, through the resources held in its Clearing Fund. Such resources are sized to address stress losses in excess of margin; however, the current allocation methodology does not consider the extent to which a member poses risk to OCC that exceeds its potential margin contributions. As a requirement of participation, each Clearing Member is required to contribute financial resources to fund the Clearing Fund. The methodology for allocating such contributions is not currently aligned with the methodology for setting the size of the Clearing Fund itself. As described above, OCC proposed to revise its allocation methodology to

²⁸ See Notice of Filing, 90 FR at 47387 n. 24. Likewise, OCC would have the authority to revert to the proposed allocation calculation formula, subject to the STWG’s prior approval. See Notice of Filing, 90 FR at 47387.

²⁹ See Notice of Filing, 90 FR at 47387 n. 25.

³⁰ 15 U.S.C. 78s(b)(2)(C).

³¹ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

³² *Id.*

³³ *Id.*

³⁴ *Susquehanna Int’l Group, LLP v. Securities and Exchange Commission*, 866 F.3d 442, 447 (D.C. Cir. 2017).

³⁵ 15 U.S.C. 78q–1(b)(3)(F).

³⁶ 17 CFR 240.17ad–22(e)(18).

³⁷ 17 CFR 240.17ad–22(e)(2).

³⁸ 15 U.S.C. 78q–1(b)(3)(F).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ 17 CFR 240.17ad–22(e)(18).

align the weighting of variables and lookback period more closely with OCC's methodology for sizing the Clearing Fund. As a result, the proposed changes would more closely align a member's financial obligations to OCC with the credit risk the member poses without entirely removing consideration of other factors. To address the possibility that the proposed weighting methodology could cause an inappropriate allocation of requirements due to persistent, high volatility, the Proposed Rule Change would authorize OCC to hold allocation requirements constant month-over-month where doing so would be in furtherance of the integrity of OCC and the stability of the financial system, and take into consideration the legitimate interests of Clearing Members and market participants. Taken together, these changes are consistent with Rule 17ad-22(e)(18)⁴² because they would further align Clearing Members' obligations with the exposures such members pose to OCC while also providing flexibility to respond to extreme market volatility.

Accordingly, the Proposed Rule Change is consistent with Rule 17ad-22(e)(18) under the Exchange Act.⁴³

C. Consistency With Rule 17ad-22(e)(2) Under the Exchange Act

Rule 17ad-22(e)(2) under the Exchange Act requires, in part, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that specify clear and direct lines of responsibility.⁴⁴

OCC's proposed decision to hold allocations constant to address the potential impact of persistent high volatility is subject to a review process initiated by OCC staff and implemented by the STWG, a panel delegated by OCC management as the relevant subject matter expert. As proposed, OCC staff would be required to base the hold-constant recommendation on daily analyses of stress test results and in consideration of a non-exhaustive list of factors before escalating it to the STWG or the Chief Financial Risk Officer. The STWG or the Chief Financial Risk Officer would have the authority to accept or reject the hold-constant recommendation. This same review process would be implemented if OCC staff recommends a reversion to the proportionate approach. Additionally, OCC staff would be required to provide

notification of (1) a hold-constant decision or reversion to Clearing Members and the Risk Committee; and (2) a hold-constant decision to the Commission and CFTC, with reasons for such a decision provided to the regulators. This recommendation review process provided for in OCC's rules and policies would help facilitate governance arrangements that specify clear and direct lines of responsibility.

Accordingly, the Proposed Rule Change is consistent with Rule 17ad-22(e)(2) under the Exchange Act.⁴⁵

IV. Solicitation of Comments on Partial Amendment No. 1 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Partial Amendment No. 1, is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-OCC-2025-018 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-OCC-2025-018. 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 of submission. The Commission will post all comments on the Commission's website (<http://www.sec.gov/rules/sro.shtml>). 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-OCC-2025-018 and should be submitted on or before January 6, 2026.

V. Accelerated Approval of Proposed Rule Change, as Modified by Partial Amendment No. 1

The Commission finds good cause, pursuant to Section 19(b)(2) of the Exchange Act,⁴⁶ to approve the proposed rule change prior to the 30th day after the date of publication of notice of the filing of Partial Amendment No. 1 in the **Federal Register**. As discussed above, Partial Amendment No. 1 modified the original proposed rule change to append an Exhibit 2 to documents filed as part of File No. SR-OCC-2025-018 on September 26, 2025. Partial Amendment No. 1 does not change the purpose or basis for the proposed changes.

For similar reasons as discussed above, the Commission finds that Partial Amendment No. 1 is consistent with the requirement that OCC's rules not be designed to permit unfair discrimination among participants in the use of the clearing agency, under Section 17A(b)(3)(F) of the Exchange Act.⁴⁷ Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Exchange Act, to approve the proposed rule change, as modified by Partial Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Exchange Act.⁴⁸

VI. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change, as modified by Partial Amendment No. 1, is consistent with the requirements of the Exchange Act, and in particular, the requirements of Section 17A of the Exchange Act⁴⁹ and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,⁵⁰ that the proposed rule change (SR-OCC-2025-018), as modified by Partial Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵¹

Sherry R. Haywood,

Assistant Secretary.

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⁴⁶ 15 U.S.C. 78s(b)(2).

⁴⁷ 15 U.S.C. 78q-1(b)(3)(F).

⁴⁸ 15 U.S.C. 78s(b)(2).

⁴⁹ In approving the Proposed Rule Change, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁵⁰ 15 U.S.C. 78s(b)(2).

⁵¹ 17 CFR 200.30-3(a)(12).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ 17 CFR 240.17ad-22(e)(2).

⁴⁵ *Id.*

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0713]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 15Fi–2

Upon Written Request, Copies Available

From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (SEC or “Commission”) is soliciting comments on the proposed collection of information.

Rule 15Fi–2 requires security-based swaps (“SBS”) dealers and major SBS participants (collectively, “SBS Entities”) to provide to their counterparties a trade acknowledgment, to provide prompt verification of the terms provided in a trade acknowledgment of transactions from other SBS Entities, and to have written policies and procedures that are reasonably designed to obtain prompt verification of the terms provided in a trade acknowledgment. The Rule promotes the efficient operation of the SBS market and facilitate market participants’ management of their SBS-related risk.

The Commission estimates that approximately 48 entities fit within the definition of SBS dealer, and zero entities fit within the definition of major SBS participant. Thus, we expect that approximately 48 entities will be required to register with the Commission as SBS Entities and will be subject to the trade acknowledgment provision and verification requirements of Rule 15Fi–2. The total estimated annual time burden of Rule 15Fi–2 is 22,848 hours.

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.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC’s estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to

be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to PaperworkReductionAct@sec.gov by February 17, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: December 12, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–22950 Filed 12–15–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104366; File No. SR–C2–2025–025]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Offer a Free Trial for Certain Ad-Hoc Historical Data

December 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act” or “Exchange Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on December 3, 2025, Cboe C2 Exchange, Inc. (the “Exchange”) filed with the Securities and Exchange Commission (the “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

Cboe C2 Exchange, Inc. (the “Exchange” or “C2”) proposes to amend its Fee Schedule to offer a free trial for up to six months for ad-hoc historical data requests for its End-of-Day, Intraday Ten-Minute Interval, and Intraday One-Minute Interval, Open-Close Data (collectively, “Historical Open-Close Data”), to all C2 Trading

Permit Holders (“TPHs”) and non-TPHs, who have not previously subscribed to Historical Open-Close Data or previously received a free trial. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission’s website (<https://www.sec.gov/rules/sro.shtml>), the Exchange’s website (https://www.cboe.com/us/options/regulation/rule_filings/bzx/), 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 Exchange proposes to amend its Fee Schedule to offer a free trial for up to six months for ad-hoc historical data requests for its End-of-Day, Intraday Ten-Minute Interval, and Intraday One-Minute Interval, Open-Close Data (collectively, “Historical Open-Close Data”), to all C2 Trading Permit Holders³ and non-TPHs, who have not previously subscribed to Historical Open-Close Data or previously received a free trial. The free trial for Historical Open-Close Data is effective starting, November 24 [sic], 2025. The Exchange also seeks to remove language from its Fee Schedule language providing a 20% discount for the purchase of Historical Open-Close Data totaling \$20,000 or more, from April 23, 2025 through June 30, 2025, because this period has now expired.

By way of background, the Exchange currently offers End-of-Day (“EOD”) and Intraday Open-Close Data (collectively, “Open-Close Data”). EOD Open-Close Data is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer,

³ The terms “Trading Permit Holder” or “TPH” mean an Exchange-recognized holder of a Trading Permit. A Trading Permit Holder is deemed a “member” under the Exchange Act. See Rule 1.1.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Intraday Open-Close Data provides summary level data of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. The Intraday Open-Close Data is offered in two different intervals, where options transaction data is captured in snapshots taken either every 1-minute interval or 10-minute interval during the trading day. This data is then made available to subscribers within five minutes of the conclusion of the 1-minute or 10-minute interval period. The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close Data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Free Trial

The Exchange seeks to establish a free trial for historical ad hoc requests for End-of-Day Open-Close Data and historical ad hoc requests for Intraday Open-Close Data (both 1-minute interval and 10-minute interval) to all C2 TPHs and non-TPHs, who have not previously subscribed to Historical Open-Close Data or previously received a free trial. Currently, ad hoc requests for historical Intraday Open-Close Data are available to all customers at the same price and in the same manner. The current charge for historical ad hoc requests of End-of-Day Open-Close Data is \$400 per request, per month. An ad hoc request can be for any number of months beginning with January 2018, for which data is available. The current charge for

historical Ten-Minute Intraday Open-Close Data is \$500 per request, per month, and \$1,500 per request, per month, for historical One-Minute Intraday Open-Close Data. The Exchange now proposes to adopt a free trial up to 6 months for Historical Open-Close Data to both TPHs and non-TPHs who have not previously purchased Historical Open-Close Data or previously received a free trial.

The Exchange believes proposed trial will serve as an incentive for new subscribers who have never purchased Historical Open-Close Data to start purchasing such data. Particularly, the Exchange believes it will give potential subscribers the ability to use and test the data offering before signing up for additional months. The Exchange also notes another exchange offers a free trial for new subscribers of a similar data product.⁴ Lastly, the purchase of Historical Open-Close Data is discretionary and not compulsory.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁵ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁶ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would

expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes the proposed free trial of Historical Open-Close Data will further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The Exchange’s Historical Open-Close Data is designed to help investors understand underlying market trends to improve the quality of investment decisions. Indeed, subscribers to the data may be able to enhance their ability to analyze option trade and volume data and create and test trading models and analytical strategies. The Exchange believes its Historical Open-Close Data provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading and as noted above, is entirely optional. Moreover, as noted at least one other exchange offers a similar data product which offer same type of data content through end-of-day or intraday report.⁸

The Exchange also operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, 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.”⁹ Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchange’s data product as more or less attractive than the competition they can and do switch between similar products. The proposed free trials are a result of the competitive environment, as the Exchange seeks to adopt a fee waiver to attract future purchasers of its Historical Open-Close Data.

The Exchange believes that the proposed free trial for any TPHs or non-TPHs who has not previously purchased

⁴ See Nasdaq ISE, Options 7 Pricing Schedule, Section 10A, Market Data.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ *Id.*

⁸ *Supra* note 4.

⁹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

Historical Open-Close Data or received a free trial is reasonable because such users would not be subject to fees for up to 6 months' worth of Historical Open-Close Data. The Exchange believes the proposed free trial is also reasonable as it will give potential subscribers the ability to use and test the Historical Open-Close Data prior to purchasing additional months and will therefore encourage and promote new users to purchase the Historical Open-Close Data. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all TPHs and non-TPHs who have not previously purchased Historical Open-Close Data or received a free trial. Also as noted above, another exchange offers a free trial to new users for a similar data product.¹⁰ Lastly, the purchase of this data product is discretionary and not compulsory.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As discussed above, Historical Open-Close Data is subject to direct competition from several other options exchanges that offer substitutes to Historical Open-Close Data. Moreover, purchase of Historical Open-Close is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The proposed rule change is grounded in the Exchange's efforts to compete more effectively. The Exchange is proposing to provide a free trial for market participants to test investment strategies and trading models, and develop market sentiment indicators. This change will not cause any unnecessary or inappropriate burden on intermarket competition, but rather will promote competition by encouraging new market participants to investigate the product. Other exchanges are, of course, free to match this change or undertake other competitive responses, enhancing overall competition. Indeed, as discussed, another exchange

currently offers a similar free-trial period for similar data.¹¹

The proposed rule change will not cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed rule change will apply to all TPHs and non-TPHs who have never made an ad-hoc request to purchase Historical Open-Close historical data, or received a free trial. Moreover, purchase of Historical Open-Close Data is discretionary and not compulsory.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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) of the Act¹² and paragraph (f) of Rule 19b-4¹³ thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change 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-C2-2025-025 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.

¹¹ *Supra* note 4.

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f).

All submissions should refer to file number SR-C2-2025-025. 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-C2-2025-025 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-22861 Filed 12-15-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104367; File No. SR-CboeBZX-2025-151]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Offer a Free Trial for Certain Ad-Hoc Historical Data

December 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 3, 2025, Cboe BZX Exchange, Inc. (the "Exchange") filed with the Securities and Exchange Commission (the "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

Cboe BZX Exchange, Inc. (the "Exchange" or BZX Options") proposes

¹⁴ 17 CFR 200.30-3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁰ *Supra* note 4.

to amend its Fee Schedule to offer a free trial for up to six months for ad-hoc historical data requests for its End-of-Day, Intraday Ten-Minute Interval, and Intraday One-Minute Interval, Open-Close Data (collectively, “Historical Open-Close Data”), to all BZX Options Members and non-Options Members, who have not previously subscribed to Historical Open-Close Data or previously received a free trial. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission’s website (<https://www.sec.gov/rules/sro.shtml>), the Exchange’s website (https://www.cboe.com/us/equities/regulation/rule_filings/bzx/), 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 Exchange proposes to amend its Fee Schedule to offer a free trial for up to six months for ad-hoc historical data requests for its End-of-Day, Intraday Ten-Minute Interval, and Intraday One-Minute Interval, Open-Close Data (collectively, “Historical Open-Close Data”), to all BZX Options Members³ and non-Options Members, who have not previously subscribed to Historical Open-Close Data or previously received a free trial. The free trial for Historical Open-Close Data is effective starting, November 24 [*sic*], 2025. The Exchange also seeks to remove language from its Fee Schedule language providing a 20% discount for the purchase of Historical Open-Close Data totaling \$20,000 or more, from April 23, 2025 through June

30, 2025, because this period has now expired.

By way of background, the Exchange currently offers End-of-Day (“EOD”) and Intraday Open-Close Data (collectively, “Open-Close Data”). EOD Open-Close Data is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Intraday Open-Close Data provides summary level data of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. The Intraday Open-Close Data is offered in two different intervals, where options transaction data is captured in snapshots taken either every 1-minute interval or 10-minute interval during the trading day. This data is then made available to subscribers within five minutes of the conclusion of the 1-minute or 10-minute interval period. The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close Data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Free Trial

The Exchange seeks to establish a free trial for historical ad hoc requests for End-of-Day Open-Close Data and historical ad hoc requests for Intraday Open-Close Data (both 1-minute interval and 10-minute interval) to all BZX Options Members and non-Options Members, who have not previously subscribed to Historical Open-Close Data or previously received a free trial.

Historical Open-Close Data is available to all customers at the same price and in the same manner. The current charge for historical ad hoc requests of End-of-Day Open-Close Data is \$400 per request, per month. An ad hoc request can be for any number of months beginning with January 2018, for which data is available. The current charge for historical Ten-Minute Intraday Open-Close Data is \$750 per request, per month, and \$2,500 per request, per month, for historical One-Minute Intraday Open-Close Data. The Exchange now proposes to adopt a free trial for up to 6 months for Historical Open-Close Data to both Options Members and non-Options Members who have not previously purchased Historical Open-Close Data or previously received a free trial.

The Exchange believes proposed trial will serve as an incentive for new subscribers who have never purchased Historical Open-Close Data to start purchasing such data. Particularly, the Exchange believes it will give potential subscribers the ability to use and test the data offering before signing up for additional months. The Exchange also notes another exchange offers a free trial for new subscribers of a similar data product.⁴ Lastly, the purchase of Historical Open-Close Data is discretionary and not compulsory.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁵ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁶ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with

³ The term “Options Member” means a firm, or organization that is registered with the Exchange pursuant to Chapter XVII of these Rules for purposes of participating in options trading on BZX Options as an “Options Order Entry Firm” or “Options Market-Maker.” See BZX Rule 16.1.

⁴ See Nasdaq ISE, Options 7 Pricing Schedule, Section 4(g), Nasdaq Options Market Data Distributor Fees, 30-Day Free Trial Offer.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

the Section 6(b)(5)⁷ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes the proposed free trial of Historical Open-Close Data will further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The Exchange’s Historical Open-Close Data is designed to help investors understand underlying market trends to improve the quality of investment decisions. Indeed, subscribers to the data may be able to enhance their ability to analyze option trade and volume data and create and test trading models and analytical strategies. The Exchange believes its Historical Open-Close Data provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading and as noted above, is entirely optional. Moreover, as noted at least one other exchange offers a similar data product which offer same type of data content through end-of-day or intraday report.⁸

The Exchange also operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, 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.”⁹ Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the

event that a market participant views one exchange’s data product as more or less attractive than the competition they can and do switch between similar products. The proposed free trials are a result of the competitive environment, as the Exchange seeks to adopt a fee waiver to attract future purchasers of its Historical Open-Close Data.

The Exchange believes that the proposed free trial for any Options Member or non-Options Member who has not previously purchased Historical Open-Close Data or received a free trial is reasonable because such users would not be subject to fees for up to 6 months’ worth of Historical Open-Close Data. The Exchange believes the proposed free trial is also reasonable as it will give potential subscribers the ability to use and test the Historical Open-Close Data prior to purchasing additional months and will therefore encourage and promote new users to purchase the Historical Open-Close Data. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all Options Members and non-Options Members who have not previously purchased Historical Open-Close Data or received a free trial. Also as noted above, another exchange offers a free trial to new users for a similar data product.¹⁰ Lastly, the purchase of this data product is discretionary and not compulsory.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As discussed above, Historical Open-Close Data is subject to direct competition from several other options exchanges that offer substitutes to Historical Open-Close Data. Moreover, purchase of Historical Open-Close is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The proposed rule change is grounded in the Exchange’s efforts to compete more effectively. The Exchange is

proposing to provide a free trial for market participants to test investment strategies and trading models, and develop market sentiment indicators. This change will not cause any unnecessary or inappropriate burden on intermarket competition, but rather will promote competition by encouraging new market participants to investigate the product. Other exchanges are, of course, free to match this change or undertake other competitive responses, enhancing overall competition. Indeed, as discussed, another exchange currently offers a similar free-trial period for similar data.¹¹

The proposed rule change will not cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed rule change will apply to all Options Members and non-Options Members who have never made an ad-hoc request to purchase Historical Open-Close historical data, or received a free trial. Moreover, purchase of Historical Open-Close Data is discretionary and not compulsory.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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) of the Act¹² and paragraph (f) of Rule 19b-4¹³ thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change 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:

¹¹ *Supra* note 4.

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f).

⁷ *Id.*

⁸ *Supra* note 4.

⁹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

¹⁰ *Supra* note 4.

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-CboeBZX-2025-151 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-CboeBZX-2025-151. 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-CboeBZX-2025-151 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-22862 Filed 12-15-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104361; File No. SR-NYSEAMER-2025-70]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Lower the Options Regulatory Fee (ORF)

December 11, 2025.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 ("Act"),² and Rule 19b-4 thereunder,³ notice is hereby given that on December 1, 2025, NYSE American LLC ("NYSE American" or the "Exchange") filed

with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II 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 NYSE American Options Fee Schedule ("Fee Schedule") regarding the Options Regulatory Fee ("ORF"). The proposed rule change is available on the Exchange's website at www.nyse.com 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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to decrease the ORF from \$0.0038 per contract to \$0.0026 per contract, effective on January 1, 2026, and to provide for a temporary waiver of the ORF for the month leading up to such change, from December 1, through December 31, 2025 (the "Waiver Period").⁴

Background

As a general matter, the Exchange may only use regulatory funds such as the ORF "to fund the legal, regulatory, and surveillance operations" of the Exchange.⁵ More specifically, the ORF

is designed to recover a material portion, but not all, of the Exchange's costs for the supervision and regulation of ATP Holders, including the Exchange's regulatory program and legal expenses associated with options regulation, such as the costs related to in-house staff, third-party service providers, and technology that facilitate regulatory functions such as surveillance, investigation, examinations, and enforcement (collectively, the "ORF Costs"). ORF funds may also be used for indirect expenses such as human resources and other administrative costs. The Exchange monitors the amount of ORF collection to ensure that this amount, in combination with other regulatory fees and fines, does not exceed regulatory costs.

The ORF is assessed on ATP Holders for options transactions that are cleared by the ATP Holder through the OCC in the Customer range regardless of the exchange on which the transaction occurs and is collected from ATP Holder clearing firms by the OCC on behalf of NYSE American.⁶ All options transactions must clear via a clearing firm, and such clearing firms can then choose to pass through all, a portion, or none of the cost of the ORF to its Customers, *i.e.*, the entering firms. The Exchange notes that the costs relating to monitoring ATP Holders with respect to Customer trading activity are generally higher than the costs associated with monitoring ATP Holders that do not engage in Customer trading activity, which tends to be more automated and less labor-intensive. By contrast, regulating ATP Holders that engage in Customer trading activity is generally more labor-intensive and requires a greater expenditure of human and technical resources as the Exchange needs to review not only the trading activity on behalf of Customers, but also the ATP Holder's relationship with its Customers via more labor-intensive exam-based programs.⁷ As a result, the

not be distributed. See Thirteenth Amended and Restated Operating Agreement of NYSE American LLC, Article IV, Section 4.05 and Securities Exchange Act Release No. 87993 (January 16, 2020), 85 FR 4050 (January 23, 2020) (SR-NYSEAMER-2020-04).

⁶ See Fee Schedule, Section VII.A., Options Regulatory Fee ("ORF"), available at: https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf. The Exchange uses reports from OCC when assessing and collecting the ORF. The ORF is not assessed on outbound linkage trades. An ATP Holder is not assessed the fee until it has satisfied applicable technological requirements necessary to commence operations on NYSE American. See *id.*

⁷ The Exchange notes that many of the Exchange's market surveillance programs require the Exchange

Continued

¹⁴ 17 CFR 200.30-3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See proposed Fee Schedule, Section VII.A., Options Regulatory Fee ("ORF"). The Exchange proposes to modify the Fee Schedule to provide for a waiver of ORF from December 1 through December 31, 2025, and to provide that the ORF rate would be \$0.0026 when the Exchange resumes assessing ORF on January 1, 2026.

⁵ The Exchange considers surveillance operations part of regulatory operations. The limitation on the use of regulatory funds also provides that they shall

costs associated with administering the Customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-Customer component (*e.g.*, ATP Holder proprietary transactions) of its regulatory program.

Because the ORF is based on options transactions volume, the amount of ORF collected is variable. For example, if options transactions reported to OCC in a given month increase, the ORF collected from ATP Holders will likely increase as well. Similarly, if options transactions reported to OCC in a given month decrease, the ORF collected from ATP Holders will likely decrease as well. Accordingly, the Exchange monitors the amount of ORF collected to ensure that it does not exceed a material portion of ORF Costs. If the Exchange determines the amount of ORF collected exceeds or may exceed a material portion of ORF Costs, the Exchange will, as appropriate, adjust the ORF by submitting a fee change filing to the Securities and Exchange Commission (the "Commission"). Exchange rules establish that market participants must be notified of any change in the ORF via Trader Update at least 30 calendar days prior to the effective date of the change.⁸

Proposed Rule Change

Earlier this year, the Exchange temporarily reduced the ORF from \$0.0038 per contract to \$0.0023 per contract through December 31, 2025, after which date the ORF would revert to the rate of \$0.0038 per contract.⁹ Based on the Exchange's recent review of regulatory costs, ORF collections, and options transaction volume, the Exchange proposes to decrease the ORF from \$0.0038 per contract to \$0.0026 per contract effective January 1, 2026 and, in concert with the proposed reduction of the ORF, to waive the ORF from December 1 through December 31, 2025 in order to help ensure that the amount collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange notified ATP Holders of the proposed temporary waiver of the ORF via Trader Update on October 31, 2025 (which was at least 30 calendar days prior to the proposed operative date of the waiver, December 1, 2025)¹⁰ and will also notify ATP Holders of the proposed change to the ORF rate via Trader Update at least 30 days prior to the proposed operative date of the new rate, January 1, 2026. The Exchange believes such notices will ensure that market participants have sufficient opportunity to configure their

systems to account properly for both the ORF waiver and revised ORF.

The proposed modification of the ORF and accompanying waiver are informed by the Exchange's analysis of recent options volumes. Based on the Exchange's recent review of regulatory costs, ORF collections, and options transaction volume, the Exchange proposes to waive the ORF for the period December 1 through December 31, 2025 and, when ORF collection resumes on January 1, 2026, reduce the ORF to \$0.0026 per contract to help ensure that the amount collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The proposed change to the ORF is based on the Exchange's analysis of recent options volumes and its regulatory costs. The Exchange believes that, if the ORF is not adjusted as proposed, ORF collection year over year could exceed a material portion of the Exchange's ORF costs. Although the Exchange earlier this year temporarily reduced the ORF, persisting increased options volumes have impacted the Exchange's ORF collection. As shown in the table below, during the second half of 2025, options trading volumes remained at elevated levels.¹¹

	June 2025	July 2025	Aug. 2025	Sept. 2025	Oct. 2025
Customer ADV	45,453,622	47,242,125	50,273,952	56,005,046	61,209,858
Total ADV	50,576,203	51,516,242	54,909,360	61,298,900	67,192,745

Because of the sustained impact of trading volumes that have persisted through 2025, the Exchange proposes to waive the ORF from December 1 through December 31, 2025 to help ensure that ORF collection will not exceed ORF Costs for 2025. The Exchange cannot predict whether options volumes will remain at current levels going forward and projections for regulatory costs are estimated, preliminary, and may change. However, the Exchange believes that this proposed change would allow the Exchange to continue to monitor the amount collected from the ORF to help

ensure that ORF collection, in combination with other regulatory fees and fines, does not exceed regulatory costs for 2025.

In addition, the Exchange believes that it has sufficient information based on recent options transaction volume to determine how to adjust the ORF for 2026. Taking into consideration both the sustained increase in options transaction volume, which has persisted through 2025 (and which has translated to increased ORF collection), the Exchange proposes to decrease the ORF from \$0.0038 to \$0.0026 per contract, effective January 1, 2026. The Exchange

further proposes to make this change effective on January 1, 2026 and to not assess any ORF during the Waiver Period, rather than further adjusting the ORF for the duration of the Waiver Period, as the Exchange believes this proposal would most efficiently accomplish the goals of ensuring that ORF collection does not exceed ORF Costs for 2025 and modifying the ORF rate so that the Exchange may assess an ORF that is designed to recover a material portion, but not all, of the Exchange's projected ORF Costs when the Exchange resumes assessing ORF on January 1, 2026.

to look at and evaluate activity across all options markets, such as surveillance for position limit violations, manipulation, front-running, and contrary exercise advice violations/expiring exercise declarations. The Exchange and other options SROs are parties to a 17d-2 agreement allocating among the SROs regulatory responsibilities relating to compliance by the common members with rules for expiring exercise declarations, position limits, OCC trade adjustments, and Large Option Position Report reviews. *See, e.g.*, Securities Exchange Act Release

No. 85097 (February 11, 2019), 84 FR 4871 (February 19, 2019).

⁸ *See* Fee Schedule, note 6, *supra*.

⁹ *See* Securities Exchange Act Release No. 103507 (July 21, 2025), 90 FR 34949 (July 24, 2025) (SR-NYSEAMER-2025-42) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Temporarily Lower the Options Regulatory Fee (ORF)).

¹⁰ *See* <https://www.nyse.com/trader-update/history#110000952389>.

¹¹ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>. The volume discussed in this filing is based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, in contract sides.

The proposed decrease in ORF is based on the Exchange's estimated projections for its regulatory costs, balanced with the observed increase in options volumes. The Exchange cannot predict whether options volume will remain at the current level going forward and projections for future regulatory costs are estimated, preliminary, and may change. However, the Exchange believes that amounts collected from assessment of the ORF (as modified) will continue to cover a material portion, but not all, of the Exchange's ORF Costs. In addition, because of the sustained impact of the elevated trading volumes that have persisted into 2025, along with the difficulty of predicting when volumes may return to more normal levels, the Exchange believes that waiving ORF from December 1 to December 31, 2025 and implementing the reduced ORF rate of \$0.0026 on January 1, 2026 would lessen the potential for generating excess funds and help ensure that the ORF is designed to recover a material portion, but not all, of the Exchange's projected ORF Costs. The Exchange will continue monitoring ORF Costs in advance of the resumption of the ORF and when it resumes assessing ORF on January 1, 2026, and, if the Exchange determines that, in light of projected volumes and ORF Costs, the ORF rate should be further modified to help ensure that ORF collections would not exceed a material portion of ORF Costs, adjust the ORF by submitting a proposed rule change and notifying ATP Holders of such change by Trader Update.

Potential ORF Reform

As it has previously noted,¹² the Exchange appreciates the evolving changes in the markets and regulatory environment and, in connection with industry and other feedback, is continuing to evaluate the current methodologies and practices for the assessment and collection of ORF. The Exchange continues to believe ORF reform is appropriate, including moving to a model in which ORF would be assessed only to transactions occurring on the Exchange, which would allow for consistent industry billing. The Exchange intends to file a proposed rule change by the first quarter of 2026 to transition to a new, modified model, provided that a consistent framework has been established with the SEC and necessary regulatory filings submitted. Until that time, the Exchange believes it is fair and reasonable to waive the ORF during the Waiver Period and to

decrease the current ORF under the existing model, effective January 1, 2026, while the Exchange continues to discuss its anticipated, or potential alternative, ORF methodology with relevant stakeholders.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)¹³ of the Act, in general, and Section 6(b)(4) and (5)¹⁴ of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Exchange believes the proposed reduction of the ORF to \$0.0026 per contract, effective January 1, 2026, and accompanying temporary waiver of the ORF is reasonable, equitable, and not unfairly discriminatory. As noted above, the ORF is designed to recover a material portion, but not all, of the Exchange's ORF Costs. Although there can be no assurance that the Exchange's final costs for 2025 will not differ materially from its expectations and prior practice, nor can the Exchange predict with certainty whether options volume will remain at current or similar levels going forward, the Exchange believes that the amount collected based on the current ORF rate, when combined with regulatory fees and fines, may result in collections in excess of the estimated ORF Costs for the year and going forward. Particularly, as noted above, the options market has continued to experience elevated volumes in 2025, thereby resulting in higher ORF collections than projected, even at the current, temporarily decreased ORF rate. The Exchange therefore proposes to decrease the ORF from \$0.0038 per contract to \$0.0026 per contract effective January 1, 2026, and, in connection with that change, to waive ORF from December 1 through December 31, 2025 to help ensure that ORF collection does not exceed a material portion of the ORF Costs for 2025 and facilitate the efficient implementation of a revised ORF rate designed to recover a material portion, but not all, of the Exchange's projected ORF Costs.

The Exchange proposes to make the new ORF rate effective on January 1, 2026 and to not assess any ORF during the Waiver Period, rather than further adjusting the ORF for the duration of the Waiver Period, as the Exchange believes

this proposal would most efficiently accomplish these objectives. The Exchange believes that not assessing ORF during the Waiver Period and taking into account all of the Exchange's other regulatory fees and fines would allow the Exchange to continue covering a material portion of ORF Costs, while lessening the potential for generating excess funds that may otherwise occur using the current rate. The proposed new ORF rate of \$0.0026 per contract is based on the Exchange's estimated projections for its regulatory costs, balanced with the increase in options volumes that has persisted into 2025 and that is likely to continue into 2026; the Exchange thus believes that resumption of the ORF at this rate on January 1, 2026 would permit the Exchange to resume assessing an ORF that is designed to recover a material portion, but not all, of the Exchange's projected ORF Costs. The Exchange would continue monitoring ORF Costs in advance of the resumption of the ORF and when it resumes assessing ORF on January 1, 2026 and, if the Exchange determines that, in light of projected volumes and ORF Costs, the ORF rate should be further modified to help ensure that ORF collections would not exceed a material portion of ORF Costs, further adjust the ORF by submitting a proposed rule change and notifying ATP Holders of such change by Trader Update.

The Exchange believes its proposal is an equitable allocation of fees among its market participants and is not unfairly discriminatory. The Exchange believes that the proposed rule change would not place certain market participants at an unfair disadvantage because it would apply equally to all ATP Holders subject to the ORF on all their transactions that clear in the Customer range at the OCC and would allow the Exchange to continue to monitor the amount collected from the ORF to help ensure that ORF collection, in combination with other regulatory fees and fines, does not exceed regulatory costs. The proposed change would permit the Exchange to efficiently adjust the ORF, which is applicable to all ATP Holders' transactions that clear in the Customer range at the OCC, to an amount designed to recover a material portion, but not all, of the Exchange's projected ORF Costs. The Exchange also believes that recommencing the ORF at the decreased rate of \$0.0026 per contract effective January 1, 2026, unless the Exchange determines it necessary to further adjust the ORF to help ensure that ORF collections do not exceed a material portion of ORF Costs, is

¹² See note 9, *supra*.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(4) and (5).

equitable and not unfairly discriminatory because the ORF would resume applying equally to all ATP Holders on options transactions in the Customer range, at a rate designed to recover a material portion, but not all, of the Exchange's projected ORF Costs. The Exchange also will provide all ATP Holders with 30 days' advance notice of the planned change to the ORF.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition. The Exchange believes the proposed change would not impose an undue burden on intramarket competition because the ORF is charged to all ATP Holders on all their transactions that clear in the Customer range at the OCC; thus, the amount of ORF imposed is based on the amount of Customer volume transacted. The Exchange believes that the proposed reduction of the ORF rate and temporary waiver of the ORF would not place certain market participants at an unfair disadvantage because all options transactions must clear via a clearing firm. Such clearing firms can then choose to pass through all, a portion, or none of the cost of the ORF to its customers, *i.e.*, the entering firms. The ORF is collected from ATP Holder clearing firms by the OCC on behalf of NYSE American and is assessed on all options transactions cleared at the OCC in the Customer range. The Exchange also believes recommencing the ORF on January 1, 2026 at \$0.0026 per contract (unless the Exchange determines it necessary at that time to adjust the ORF to help ensure that ORF collections do not exceed a material portion of ORF Costs) would not impose an undue burden on competition because the proposed decreased rate would apply equally to all ATP Holders subject to ORF and would permit the Exchange to resume assessing an ORF that is designed to recover a material portion, but not all, of the Exchange's projected ORF Costs and the ORF would, as currently, apply to all ATP Holders on their options transactions that clear in the Customer range at the OCC. The Exchange will continue to provide advance notice of changes to the ORF to all ATP Holders via Trader Update to provide ATP Holders with sufficient opportunity to configure their systems to account properly for both the Waiver Period and resumption of ORF at a new, lower rate on January 1, 2026.

Intermarket Competition. The proposed fee change is not designed to address any competitive issues. Rather, the proposed change is designed to help the Exchange adequately fund its regulatory activities while seeking to ensure that total collections from regulatory fees do not exceed total regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

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) of the Act¹⁵ and paragraph (f) of Rule 19b-4¹⁶ thereunder. 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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change 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-NYSEAMER-2025-70 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-NYSEAMER-2025-70. This file number should be included on the subject line if email is used. To help the

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 17 CFR 240.19b-4(f).

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-NYSEAMER-2025-70 and should be submitted on or before January 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-22857 Filed 12-15-25; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice: 12877]

Notice of Determinations; Culturally Significant Object Being Imported for Conservation, Scientific Research, and Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object, entitled "The Lokhorst Triptych," being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary conservation, scientific research, and exhibition or display at The J. Paul Getty Museum at the Getty Center, Los Angeles, California, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary conservation, scientific research, and exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

¹⁷ 17 CFR 200.30-3(a)(12).

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–22835 Filed 12–15–25; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 774 (Sub-No. 3)]

Renewal of the Passenger Rail Advisory Committee

ACTION: Notice of Federal Advisory Committee charter renewal.

AGENCY: Surface Transportation Board.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), notice is hereby given that the Surface Transportation Board (Board) has renewed the charter of the Passenger Rail Advisory Committee (PRAC).

ADDRESSES: A copy of the charter is available on the Board's website at <https://www.stb.gov/resources/stakeholder-committees/prac>.

FOR FURTHER INFORMATION CONTACT: Brian O'Boyle, Designated Federal Officer, at (202) 577–4615. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: The Board established the PRAC in 2023 to provide advice and recommendations to the Board on issues relating to passenger rail service. *See Establishment of the Passenger Rail Advisory Comm.*, EP 774 (STB served Nov. 13, 2023). Matters on which the PRAC advises the Board include issues relating to on-time performance of passenger trains; access by Amtrak to host carrier facilities and services (including compensation); licensing of non-Amtrak passenger rail providers; and disputes involving cost-allocation and joint use of facilities. The PRAC operates under the Federal Advisory Committee Act (5 U.S.C. Chapter 10) and meets at least twice a

year. Meetings are open to the public, consistent with the Government in the Sunshine Act, Public Law 94–409 (1976).

The Board has determined that the continuation of the committee is in the public interest and has therefore renewed the charter for an additional two years.

Further information about the PRAC is available on the Board's website at <https://www.stb.gov/resources/stakeholder-committees/prac> and at the General Services Administration's FACA database at <https://facadatabase.gov/>.

Decided: December 12, 2025.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2025–22929 Filed 12–15–25; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Electric Vertical Takeoff and Landing and Advanced Air Mobility Integration Pilot Program—Announcement of Establishment of Program and Request for Proposals

AGENCY: Department of Transportation, Federal Aviation Administration (FAA).

ACTION: Notice of the establishment of the Electric Vertical Takeoff and Landing (eVTOL) and Advanced Air Mobility (AAM) Integration Pilot Program (eIPP) extension to submit proposals.

SUMMARY: This action extends the Electric Vertical Takeoff and Landing and Advanced Air Mobility Integration Pilot Program—Announcement of Establishment of Program and Request for Proposals which initially published on September 16, 2025.

DATES: The initial date for interested SLTT governments to submit a proposal to participate in the eIPP in accordance with the SIR posted to sam.gov was to be no later than 3 p.m. ET on December 11, 2025, the FAA proposes to change the date to no later than 3 p.m. ET on December 19, 2025.

FOR FURTHER INFORMATION CONTACT: For general Program questions, Mr. Wade Terrell, Acting Director, Advanced Air Mobility Operations Division, 490 L'Enfant Plaza SW (Suite 500), Washington, DC 20024; telephone (405) 423–7936; email 9-AWA-eIPP@faa.gov; or, for solicitation questions, Mrs. Kristin Frantz, Contracting Officer,

AAQ–590, UAS and Emerging Technologies Branch, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–5779; email: Kristin.T.Frantz@faa.gov.

Issued in Washington, DC, on December 11, 2025.

Authority: Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 4470.

Wendy L. O'Connor,

Executive Director, Advanced Air Mobility Integration.

[FR Doc. 2025–22836 Filed 12–15–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2025–0233]

Agency Information Collection Activity Under OMB Review: Bus Testing Program

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve a request for an extension without change to an existing information collection: Bus Testing Program.

DATES: Comments must be submitted before February 17, 2026.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. **Website:** <https://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site. All electronic submissions must be made to the U.S. Government electronic docket site at <https://www.regulations.gov>. Commenters should follow the directions below for mailed and hand-delivered comments.

2. **Fax:** 202–366–7951.

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

4. **Hand Delivery:** U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001

between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to <https://www.regulations.gov>. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit <https://www.regulations.gov>.

Docket: For access to the docket to read background documents and comments received, go to <https://www.regulations.gov> at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Marcel Belanger 202-366-0725 or marcel.belanger@dot.gov.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Bus Testing Program.

OMB Number: 2132-0550.

Background: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. The Federal Transit Administration (FTA) established the Bus Testing Program in response to the requirements of the Surface Transportation and Uniform Relocation Assistance Act (STURAA) of 1987. This program requires all new bus models

undergo testing before they can be purchased with federal funds. Codified under 49 U.S.C. 5318(a), the program prohibits the obligation or expenditure of FTA funds for acquiring a new bus model unless model has been tested for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise. Through these rigorous evaluations, the program ensures that federally funded buses meet established standards for quality, efficiency, and public safety.

At this time, there is one active Bus Testing Center operated by the Thomas D. Larson Pennsylvania Transportation Institute of the Pennsylvania State University (LTI). LTI operates and maintains the Center under a cooperative agreement with FTA and establishes and collects fees for the testing of the vehicles at the facility. Upon completion of the testing of the vehicle at the Center with a passing test score, a draft Bus Testing Report is provided to the manufacturer of the new bus model. If the manufacturer approves the Report for publication, the bus model becomes eligible for FTA funding. 49 CFR 665.7 requires a recipient of FTA funds to certify that a bus model has been tested at the bus testing facility, that the bus model received a passing score, and that the recipient has a copy of the applicable Bus Testing Report(s) on a bus model before final acceptance of any buses of that model. Recipients are strongly encouraged to review the Bus Testing Report(s) relevant to a bus model before final acceptance and/or selection of that bus model.

Respondents: Bus manufacturers and recipients of FTA funds.

Estimated Annual Number of

Respondents: 60 respondents.

Estimated Total Annual Burden:

2,131 hours.

Frequency: On occasion.

Kusum Dhyani,

Director, Office of Management Planning.

[FR Doc. 2025-22838 Filed 12-15-25; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2025-0234]

Agency Information Collection Activity Under OMB Review: Passenger Ferry Grant Program, Electric or Low-Emitting Ferry Program, and Ferry Service for Rural Communities Program

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve a request for an extension without change to an existing information collection: Passenger Ferry Grant Program, Electric or Low-Emitting Ferry Program, and Ferry Service for Rural Communities Program.

DATES: Comments must be submitted before February 17, 2026.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. **Website:** <https://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site. All electronic submissions must be made to the U.S. Government electronic docket site at <https://www.regulations.gov>. Commenters should follow the directions below for mailed and hand-delivered comments.

2. **Fax:** 202-366-7951.

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

4. **Hand Delivery:** U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted

and will be available to internet users, without change, to <https://www.regulations.gov>. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit <https://www.regulations.gov>. Docket: For access to the docket to read background documents and comments received, go to <https://www.regulations.gov> at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: FTA Grant Manager 202-366-2053 or ftaferryprograms@dot.gov.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Passenger Ferry Grant Program, Electric or Low-Emitting Ferry Program, and Ferry Service for Rural Communities Program.

OMB Number: 2132-0583.

Background: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. The Federal Transit Administration (FTA) established three ferry programs to improve and expand ferry service in communities across the country to help people connect to jobs and opportunity. The Passenger Ferry Grant Program makes funding available competitively to assist in the financing of capital projects to support passenger ferry systems in urbanized areas, such as ferry vessels, terminals, and related infrastructure. The Electric or Low-Emitting Ferry Program provides competitive funding for projects that support the purchase of electric or low-emitting ferries and the electrification of

or other reduction of emissions from existing ferries. The Ferry Service for Rural Communities Program provides competitive funding to states to ensure basic essential ferry service is provided to rural areas. FTA collects information from applicants and grantees to evaluate eligibility, prioritize funding decisions, and oversee compliance and performance for the three federal ferry grant programs.

Respondents: Public transportation providers, local governmental entities, States, and federally recognized Tribes that operate a public ferry system.

Estimated Annual Number of

Respondents: 30 respondents.

Estimated Total Annual Burden: 420 hours.

Frequency: Annually.

Kusum Dhyani,

Director, Office of Management Planning.

[FR Doc. 2025-22839 Filed 12-15-25; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0993]

Request for Comments on the Renewal of a Previously Approved Information Collection: Requirements for Establishing U.S. Citizenship—46 CFR 355 and 356

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: MARAD invites public comments on its intention to request Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133-0012 (Requirements for Establishing U.S. Citizenship—46 CFR 355 and 356) is used to determine if applicants and submitters are eligible to participate in the various benefits programs administered by the agency. MARAD is required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments must be submitted on or before February 17, 2026.

ADDRESSES: You may submit comments identified by Docket No. MARAD-2025-xxxx through one of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Search using the above DOT docket number and follow

the online instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to www.regulations.gov including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is reasonable for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be lessened without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Michael Pucci, 202-366-5167, Office of Maritime Program, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: Michael.Pucci@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Requirements for Establishing U.S. Citizenship—46 CFR 355 and 356.
OMB Control Number: 2133-0012.

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

Abstract: MARAD regulations at 46 CFR parts 355 and 356 set forth requirements for establishing U.S. citizenship in accordance with MARAD statutory authority. Those receiving benefits under 46 U.S.C. chapters 531, 535, and 537 (formerly the Merchant Marine Act, 1936, as amended), or applicants seeking a fishery endorsement eligibility approval pursuant to the American Fisheries Act (AFA) must be citizens of the United States within the meaning of 46 U.S.C. 50501 (formerly Section 2 of the Shipping Act, 1916, as amended). In either case, whether seeking program benefits or fishery endorsement eligibility determinations, Section 50501 sets forth the statutory requirements for determining whether an applicant, be it a corporation, partnership, or association is a U.S. citizen. 46 CFR part 356 is distinguished from 46 CFR part 355 in that part 356 establishes requirements for U.S. citizenship exclusively in accordance

with the AFA while part 355 is applied for purposes of establishing citizenship across multiple MARAD programs arising under other statutory authorities. MARAD requires most program participants to submit to MARAD on an annual basis the form of affidavit prescribed by part 355 or part 356.

Respondents: Shipowners, charterers, equity owners, ship managers, etc.

Affected Public: Business or other-for-profit.

Estimated Number of Respondents: 550.

Estimated Number of Responses: 550.

Estimated Hours per Response: 5.

Annual Estimated Total Annual

Burden Hours: 2,750.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administration.

Gabriel Chavez,

Secretary, Maritime Administration.

[FR Doc. 2025–22934 Filed 12–15–25; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0097; Notice 1]

Ford Motor Company, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Ford Motor Company (Ford) has determined that certain model year (MY) 2020–2025 Ford Transit motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Ford filed a noncompliance report dated October 25, 2024, and subsequently petitioned NHTSA (the “Agency”) on November 15, 2024, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Ford’s petition.

DATES: Send comments on or before January 15, 2026.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- **Mail:** Send comments by mail addressed to the 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 comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

- **Electronically:** Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to https://www.regulations.gov, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at https://www.regulations.gov by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT’s complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT:

Kelley Adams-Campos, Safety Compliance Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–7479.

SUPPLEMENTARY INFORMATION:

I. Overview: Ford determined that certain MY 2020–2025 Ford Transit motor vehicles do not fully comply with paragraph S7.1.1.6 and Table IV–a of FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment*. (49 CFR 571.108).

Ford filed a noncompliance report dated October 25, 2024, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Ford petitioned NHTSA on November 15, 2024, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

This notice of receipt of Ford’s petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 14,967 MY 2020–2025 Ford Transit motor vehicles, manufactured between May 1, 2019, to October 10, 2024, were reported by the manufacturer. Ford notes that the noncompliance affects the Transit vehicles with an overall width greater than or equal to 80 inches,¹ built at the Kansas City Assembly Plant, equipped with High Intensity Discharge (HID) headlamps. This includes all Dual Rear Wheel vehicles, Transit Trail Adventure Vans, and Single Rear Wheel Cutaways and Chassis-Cab vehicles fitted with an upfitter box that is at least 80 inches wide.

III. Rule Requirements: Paragraph S7.1.1.6 of FMVSS No. 108 includes the requirements relevant to this petition. Paragraph S7.1.1.6 references Table IV–a which provides the required minimum effective projected luminous lens area (EPLLA) values for front turn signal lamps. Specifically, the required EPLLA minimum value for front turn signal lamps on multipurpose passenger vehicles, trucks, trailers, and buses 2032 mm or more in overall width is 7500 sq mm.

IV. Noncompliance: Ford explains that the front turn signal lamps installed on the subject vehicles have an EPLLA of 6313 sq mm, which is less than the

¹ This receipt notice uses “80 inches” and “2032 mm” interchangeably.

minimum 7500 sq mm required for vehicles with an overall width of 2032 mm or more.

V. Summary of Ford's Petition: The following views and arguments presented in this section, "V. Summary of Ford's Petition," are the views and arguments provided by Ford. They have not been evaluated by the Agency and do not reflect the views of the Agency. Ford describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

On September 5, 2024, Ford's Critical Concern Review Group (CCRG) determined, after review, that certain Ford Transit vehicles built at its Kansas City Assembly Plant (KCAP) were equipped with front turn signal lamps that did not meet the minimum EPLLA required by paragraph S7.1.1.6 and Table IV–a of FMVSS No. 108. Ford clarifies that the subject noncompliance does not affect Ford Transit vehicles fitted with halogen headlamps which have front turn signal lamps with an EPLLA of 7530 sq mm. Ford notes that on September 15, 2024, a stop-ship was issued at KCAP and that, as of October 13, 2024, there are no warranty claims, field reports, customer complaints or Vehicle Owner Questioners (VOQs) regarding the subject noncompliance. Ford also states that on November 18, 2024, KCAP "started to build" ² Transit vehicles with compliant HID headlamps with front turn signal EPLLA that exceeds 7500 sq mm.

Ford argues that "in order to make a determination that the noncompliance is inconsequential to safety, one should evaluate it from the viewpoint of a pedestrian or other drivers." Ford approaches its analysis from this viewpoint and gives five reasons why the subject noncompliance is inconsequential to motor vehicle safety:

1. *Ford states that there is no perceptible difference between the illuminated area of a noncompliant Transit HID front turn signal lamp and a compliant front turn signal lamp.*

Ford states that results from a jury evaluation it conducted demonstrate that there is no reasonably perceptible difference in the illuminated area of a compliant versus noncompliant Transit HID headlamp front turn signal. Ford explains that, for the jury evaluation, two Transit vehicles were set up as follows: One having the right-hand headlamp (A) with a "compliant" turn signal (EPLLA greater than 7500 sq mm) and the left-hand headlamp (B) with the subject noncompliant turn signal (EPLLA of 6313 sq mm), each with clean

headlamp lens surfaces. The other vehicle was set up having the right-hand headlamp (C) with the subject noncompliant turn signal (EPLLA of 6313 sq mm) and the left-hand headlamp (D) with a "compliant" turn signal (EPLLA greater than 7500 sq mm), with both headlamp lens surfaces covered with dirt. According to Ford, twenty-five (25) jurors were positioned directly in front of the turn signal under observation, from varied standing distances and one seated distance, (to simulate pedestrian and driver). Ford states that observations were made in simulated daytime and nighttime conditions, with the parking lamps illuminated during the nighttime evaluation "as it is required that parking lights be activated during nighttime conditions." Ford explains that the "[L]eft-hand and right-hand headlamps were observed in quick succession" and that the jurors did not know which front turn signal had the larger or smaller EPLLA. The jurors were asked to determine if they could identify which front turn signal lamps were larger or more noticeable on each vehicle. Ford states the results of its jury evaluation show that, for both vehicle set-ups, jurors found no significant size or conspicuity difference between compliant and noncompliant front turn signal lamps.³

2. *Ford contends that the nominal differences in overall width of the subject vehicles does not affect the amount of dirt and grime buildup on the headlamps.*

Ford states that it conducted a Computer Aided Engineering airflow study to compare the airflow velocity profile around the headlamp of a Transit vehicle less than 80 inches in overall width with one greater than 80 inches wide.⁴ Ford concludes that the overall width of Transit vehicles does not affect the amount of dirt and grime buildup on the headlamp and Transit vehicles with a width greater than 80 inches, that have noncompliant front turn signals, would not be at greater risk due to dirt and grime buildup.

3. *Ford says that NHTSA has granted similar petitions in the past where the manufacturer conducted testing and analysis to demonstrate that the noncompliance would be imperceptible.*

Ford believes that the following inconsequential noncompliance petitions granted by NHTSA support the granting of the current petition:

³ See Appendix A of Ford's petition for the jury evaluation set up, juror questionnaire, viewing positions and jury evaluation results.

⁴ See Appendix B of Ford's petition for an overlay of the airflow velocity profiles around the headlamps.

- Harley-Davidson Motor Company, Inc., Grant of Petition for Decision of Inconsequential Noncompliance; 79 FR 69558 (Nov. 21, 2014). The noncompliance in Harley-Davidson's petition concerned rear reflex reflectors mounted an average of 0.3 inches to 0.7 inches below the required 15 inches above the road surface of FMVSS No. 108.

- Porsche Cars North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance; 85 FR 62365 (Oct. 2, 2020). The noncompliance in Porsche's petition concerned rear reflex reflectors mounted approximately 0.2 inches below the required 15 inches above the road surface of FMVSS No. 108.

- General Motors Corporation; Grant of Application for Decision of Inconsequential Noncompliance; 63 FR 70179 (December 18, 1998). The noncompliance in GM's petition concerned the center high-mounted stop lamp that failed to meet the minimum photometric requirements of FMVSS No. 108.

- Osram Sylvania Products Incorporated, Grant of Petition for Decision of Inconsequential Noncompliance; (78 FR 46000) July 30, 2013. The noncompliance in Osram's petition concerned Type HB2 replaceable light sources failing to meet the required dimensions and electrical specifications pursuant to 571.564 as referenced by FMVSS No. 108 S7.7.⁵

Ford adds that the subject noncompliance is distinct from an inconsequentiality petition by Winnebago (89 FR 77581) that was denied by NHTSA on September 23, 2024. The Winnebago petition concerned noncompliant front turn signal lamps with an EPLLA under the minimum specified in FMVSS No. 108.⁶ Ford gives several reasons why its petition is distinct from the Winnebago petition:

- Ford conducted a jury evaluation and analysis, to show that the difference in area is not perceptible between compliant and noncompliant front turn signal lamps.

- Ford conducted a CAE airflow study, to verify that there is not a greater masking effect of dirt and grime buildup on the noncompliant vehicles compared to compliant vehicles.

- Design differences between the Ford Transit vehicles and the

⁵ Paragraph S7.7 of FMVSS No. 108 was replaced by paragraph S11 on December 4, 2007, w/effective date December 1, 2012 (72 FR 68234).

⁶ According to Winnebago's petition, the noncompliant front turn signal EPLLA was 6361 sq mm.

² Ford's petition is dated November 15, 2024.

Winnebago motorhomes⁷ that Ford contends are important in reducing the propensity that dirt and grime will accumulate on the headlamps in Ford Transit vehicles. Ford explains that these differences include vehicle size, shape, width, front turn signal mounting layout, and aerodynamics. See Appendix C of Ford's petition.

4. *The same front turn signals are used on Transit vehicles sold in Europe and meet all ECE requirements.*

Ford states that it sells Transit vehicles in North America and Europe and that the same front turn signal lamps are used in the HID variants in both markets. Ford states that it measured the illuminating surface of the front turn signal lamp following the ECE methodology and found it to be greater than 7500 sq mm. Ford states it recognizes there is not an equivalent ECE requirement for EPLLA.

5. *There are no known complaints, accidents or injuries related to this noncompliance.*

Ford states that it searched its records and found no complaints, accidents, or reported injuries related to the noncompliant headlamps. Ford goes on to say that it "believes that the lack of complaints, accidents, or injuries is further evidence that this non-compliance is inconsequential and that non-compliant front turn signals are not perceptible in the field."

Ford concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Ford no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their

control after Ford notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2025-22847 Filed 12-15-25; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Reg E—Prepaid Accounts

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, "Reg E—Prepaid Accounts."

DATES: Comments must be received by February 17, 2026.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office,

Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0346, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 293-4835.

Instructions: You must include "OCC" as the agency name and "1557-0346" in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other

supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to www.reginfo.gov. Hover over the "Information Collection Review" tab and click on "Information Collection Review" from the drop-down menu. From the "Currently under Review" drop-down menu, select "Department of the Treasury" and then click "submit." This information collection can be located by searching OMB control number "1557-0346" or "Reg E—Prepaid Accounts." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649-5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor.

"Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements imposed on ten or more persons, that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the

⁷ Ford cites <https://www.winnebago.com/brochure?model=> (accessed Nov. 12, 2024).

collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of this collection.

Title: Reg E—Prepaid Accounts.

OMB Control No.: 1557–0346.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: The CFPB's Prepaid Accounts final rules require financial institutions to make available to consumers disclosures before a consumer acquires a prepaid account.

Under 12 CFR 1005.18(b), a financial institution is required to make available a short form and a long form disclosure before the consumer acquires a prepaid account, subject to certain exceptions. Section 1005.18(f)(3) requires certain disclosures with respect to prepaid account access devices. Disclosures must be made available or delivered in writing or electronically, depending on the circumstances.

Section 1005.18(b)(9) includes a requirement that a financial institution provide pre-acquisition disclosures in a foreign language if certain conditions are met. Financial institutions may elect to provide disclosures under section 1005.18(c)(1) as an alternative to providing periodic statements required by 12 CFR 1005.9(b), if applicable. Section 1005.18(c) contains other requirements for periodic statements and histories of account transactions. Section 1005.15(e) requires disclosures related to error resolution procedures for prepaid accounts.

Section 1005.19(b) generally requires issuers to submit to the CFPB, on a rolling basis, prepaid account agreements.

Estimated Burden

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 1,010.

Estimated Total Annual Burden: 6,032 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 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.

Sarah E. Turney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2025–22987 Filed 12–15–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Survey of U.S. Ownership of Foreign Securities as of December 31, 2025

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Department of the Treasury is informing the public that it is conducting a mandatory survey of ownership of foreign securities by U.S. residents as of December 31, 2025. This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, this survey. The reporting form SHCA (2025) and instructions may be printed from the internet at: <https://home.treasury.gov/data/treasury-international-capital-tic-system-home-page/tic-forms-instructions/forms-shc#shc>.

SUPPLEMENTARY INFORMATION:

Definition: Pursuant to 22 U.S.C. 3102(3) and (4), a person means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency); and a United States person means any person resident in the United States or subject to the jurisdiction of the United States.

Who Must Report: The reporting panel is based upon the data submitted for the 2024 annual survey and the June 2025 Treasury International Capital (TIC) report “Aggregate Holdings, Purchases and Sales, and Fair Value Changes of

Long-Term Securities by U.S. and Foreign Residents” (TIC SLT). Entities required to report will be contacted individually by the Federal Reserve Bank of New York. Entities not contacted by the Federal Reserve Bank of New York have no reporting responsibilities.

What to Report: This report will collect information on holdings by U.S. residents of foreign securities, including equities, long-term debt securities, and short-term debt securities (including selected money market instruments).

How to Report: Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the website address given above in the Summary. Completed reports can be submitted electronically or via email at SHC.help@ny.frb.org. Inquiries can be made to the survey staff of the Federal Reserve Bank of New York at (212) 720–6300 or email: SHC.help@ny.frb.org. Inquiries can also be made to Kurt Schuler at (202) 622–7527, or email: comments2TIC@do.treas.gov.

When to Report: Data must be submitted to the Federal Reserve Bank of New York, acting as fiscal agent for the Department of the Treasury, by March 6, 2026.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 1505–0146. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual burden associated with this collection of information is 49 hours per respondent for end-investors and custodians that file Schedule 3 reports covering their foreign securities entrusted to U.S. resident custodians, 146 hours per respondent for large end-investors filing Schedule 2 reports, and 546 hours per respondent for large custodians of securities filing Schedule 2 reports. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Department of the Treasury, Attention: Administrator, International Portfolio Investment Data Reporting Systems, Room 1050, Washington, DC 20220, and to OMB, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503. Please also

email your comments to Kurt Schuler at: comments2TIC@do.treas.gov.

Kurt Schuler,

Assistant Administrator, International Portfolio Investment Data Reporting Systems.

[FR Doc. 2025–22967 Filed 12–15–25; 8:45 am]

BILLING CODE 4810-AK-P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meetings

TIME AND DATE: December 18, 2025, 12:00 p.m. to 1:30 p.m. Eastern Time.

PLACE: This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (US Toll) or 1–669–900–6833 (US Toll), Meeting ID: 999 7105 3607, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is <https://kellen.zoom.us/joining/register/gu8eoFEMR9efQVD9dagDrA>.

STATUS: Portions of this meeting will be open to the public. A portion of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the “Board”) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

Portions Open to the Public

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Action Agenda will be reviewed and the Board will consider adoption.

Ground Rules

- Board actions taken only in designated areas on agenda

Portion Closed to the Public

Pursuant to the Government in the Sunshine Act at 5 U.S.C. 552b(d)(1), the Board must now vote to approve closing the portion of the meeting dealing with item IV on the agenda.

The Chief Legal Officer has advised that the Board may close this portion of this meeting pursuant to Government in the Sunshine Act exemptions (9)(B) and (10). By approving this action, the Board determines that public participation would likely disclose information for which premature disclosure would likely frustrate implementation of a proposed agency action and/or specifically concern the discussion of information, the premature disclosure of which would likely negatively impact the agency’s participation in an ongoing civil action or proceeding. Therefore, by approving this action, the Board is invoking Exemptions (9)(B) and (10) to close this portion of the meeting (5 U.S.C. 552b(c)(9)(B) and (10)).

A copy of the vote on the closure of this portion of this meeting shall be made publicly available on the Unified Carrier Registration Plan website within one day of the vote taken herein (<https://plan.ucr.gov>).

IV. Discussion and Possible UCR Board Action Concerning the Demand Letter and Notice of Imminent Defamation Action, RICO Action and Revised “Void Ab Initio” Trademark Cancellation Proceeding Against the Unified Carrier Registration Plan Received From Laurence L. Socci, Esq., on December 4, 2025.—UCR Chief Legal Officer

For Discussion and Possible Action

The UCR Chief Legal Officer will discuss the legal and financial options available to the UCR in responding to the Demand Letter received on December 4, 2025 from Laurence L. Socci, Esq., demanding, inter alia, payment by the UCR to James Lamb of the sum of \$4.3M as compensation for damages allegedly suffered by Mr. Lamb. The Board may vote to authorize legal and/or financial responses to the December 4, 2025 Demand Letter.

Portions Open to the Public

V. Other Business—UCR Board Chair

The UCR Board Chair will call for any business, old or new, from the floor.

VI. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, December 11, 2025, at: <https://plan.ucr.gov>.

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified

Carrier Registration Plan Board of Directors, (617) 305–3783, eleaman@board.ucr.gov.

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2025–22994 Filed 12–12–25; 4:15 pm]

BILLING CODE 4910-YL-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0826]

Agency Information Collection Activity: Intent To File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before February 17, 2026.

ADDRESSES: Comments must be submitted through www.regulations.gov

FOR FURTHER INFORMATION CONTACT:

Program-Specific Information: Kendra McCleave, 202–461–9568, kendra.mccleave@va.gov.

VA PRA Information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA’s functions, including whether the information will have practical utility; (2) the accuracy of VBA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the

quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC (VA Form 21-0966).

OMB Control Number: 2900-0826.

https://www.reginfo.gov/public/do/PRASearch. (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21-0966 is used to gather the necessary information to determine an effective date for an award granted in association with a complete claim filed within one year of such form. VA also uses it as a request for application and responds by mailing the claimant a letter of receipt, along with the appropriate VA form or application for VA benefits. Without this information, determination of entitlement would not be possible.

No changes have been made to this form. The respondent burden has increased due to the estimated number of receivables averaged over the past year.

Affected Public: Individuals or Households.

Estimated Annual Burden: 58,439 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 701,272 per year.

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

Shunda Willis,

Acting, VA PRA Clearance Officer, (Alt.) Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2025-22953 Filed 12-15-25; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-NEW]

Agency Information Collection Activity: Application for High-Technology Veterans Education, Training and Skills (VET TEC 2.0) Program

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before February 17, 2026.

ADDRESSES: Comments must be submitted through www.regulations.gov

FOR FURTHER INFORMATION CONTACT:

Program-Specific Information: Kendra McCleave, 202-495-8241, kendra.mccleave@va.gov.

VA PRA Information: Dorothy Glasgow, 202-461-1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application For Veteran Employment Through Technology Education Courses (VET TEC 2.0) High Technology Program, VA Form 22-10297.

OMB Control Number: 2900-NEW. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: New Collection.

Abstract: On January 2, 2025, the Elizabeth Dole Field and Community Based Services for Veterans and

Caregivers Act (Pub. L. 118-210) was signed into law. The legislation can be identified as the DOLE Act. This legislation established a new Veteran Technology program titled "High-Technology Veterans Education, Training and Skills (VET TEC 2.0) Program". VET TEC 2.0 allows Veterans to enroll in courses outside the traditional definition of higher education to obtain skillsets highly desired by employers. The DOLE Act authorizes VA to provide educational assistance for these high technology programs of education that begin prior to September 30, 2027.

The eligibility requirements to qualify for the program apply to an individual who is a Veteran under age 62 who has served at least 3 years (36 months) on Active Duty; or a Service member who is within 180 days of discharge who has or will serve 3 years (36 months) by their discharge date; and who has received a discharge under conditions other than dishonorable.

The DOLE Act requires VA to develop a mechanism for Veteran application for VET TEC 2.0, to include selection of a specific training provider and program. It also requires VA to develop enrollment processing mechanisms and the ability to track the number of enrollees in real time due to annual participation limits. Lastly, VA must submit a report to Congress no later than January 2, 2026, and each year thereafter on the operation of the program.

The VA Form 22-10297 allows students to apply for the new High-Technology Veterans Education, Training and Skills (VET TEC 2.0) Program. This new information collection is being used to implement section 212 of Public Law 118-210 to provide Veterans the opportunity to enroll in high technology programs. The VA requires approval of this information collection to allow eligible individuals to apply to enroll with a qualified training provider and to allow VA to track the number of annual participants.

Affected Public: Individuals and households.

Estimated Annual Burden: 667 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 4,000.

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

Shunda Willis,

Acting, VA PRA Clearance Officer, (Alt.) Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2025-22954 Filed 12-15-25; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS**[OMB Control No. 2900–0736]****Agency Information Collection
Activity: Authorization To Disclose
Personal Information to a Third Party****AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before February 17, 2026.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific Information: Kendra McCleave, 202–461–9568, kendra.mccleave@va.gov.

VA PRA Information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Authorization to Disclose Information to a Third Party (VA Form 21–0845).

OMB Control Number: 2900–0736. <https://www.reginfo.gov/public/do/PRASearch>. (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–0845 is used to release information in its custody or control in the following circumstances: where the individual identifies the information and consents to its use; for the purpose for which it was collected, or for a consistent purpose (*i.e.*, a purpose which the individual might have reasonably expected). Without this information, VA cannot share claim information to an individual or organization.

No changes were made to this form. The respondent burden has increased due to the number of receivables averaged over the past year.

Affected Public: Individuals or Households.

Estimated Annual Burden: 12,828 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 153,938 per year.

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

Shunda Willis,

*Acting, VA PRA Clearance Officer, (Alt.)
Office of Information Technology/Data
Governance Analytics, Department of
Veterans Affairs.*

[FR Doc. 2025–22952 Filed 12–15–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS**[OMB Control No. 2900–0849]****Agency Information Collection
Activity: Alternate Signer Certification**

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before February 17, 2026.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific Information: Kendra McCleave, 202–461–9568, kendra.mccleave@va.gov.

VA PRA Information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Alternate Signer Certification (VA Form 21–0972).

OMB Control Number: 2900–0849. <https://www.reginfo.gov/public/do/PRASearch>. (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–0972 is used to collect the alternate signer information necessary for VA to accept benefit application forms signed by individuals on behalf of Veterans and claimants. The information collected is used to contact the alternate signer for verification purposes. Without this information, VA would be unable to verify information related to the alternate signer who has been appointed to represent the claimant in the prosecution of VA claims, the extent of such representation, and access to appropriate records.

No changes have been made to this form. The respondent burden has increased due to the estimated number of receivables averaged over the past year.

Affected Public: Individuals and Households.

Estimated Annual Burden: 5,570 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 22,278 per year.

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

Shunda Willis,

*Acting, VA PRA Clearance Officer, (Alt.)
Office of Information Technology/Data
Governance Analytics, Department of
Veterans Affairs.*

[FR Doc. 2025–22962 Filed 12–15–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Matching Program

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of a new matching program.

SUMMARY: Under this re-established matching program, the Internal Revenue Service (IRS) will disclose return information, relating to unearned income, to the Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA), for the Disclosure of Information to Federal, State and Local Agencies (DIFSLA). The purpose of this matching program is to make available to VBA certain return information needed to determine eligibility for, and amount of benefits for, VBA applicants and beneficiaries of needs-based benefits, and to adjust income-dependent benefit payments, as prescribed by law. Currently, the most cost-effective and efficient way to verify the annual income of applicants and recipients of these benefits is through a computer match.

DATES: Comments on this matching program must be received no later than January 15, 2026. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new agreement will become effective a minimum of 30 days after the date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary. This matching program will be valid for 18

months from the effective date of this notice.

ADDRESSES: Comments may be submitted through www.Regulations.gov or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005X6F), Washington, DC 20420. Comments should indicate that they are submitted in response to IRS, DIFSLA matching program. Comments received will be available at regulations.gov for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Bartolo A. Reyes, Management and Program Analyst, Pension and Fiduciary Service (21P), Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, 202–461–8394.

SUPPLEMENTARY INFORMATION: The matching program between VA and IRS DIFSLA expires on December 31, 2025. VBA has a legal obligation to reduce the amount of pension and of parents' dependency and indemnity compensation by the amount of annual income received by the VBA beneficiary. VA will use this information to verify the income information submitted by beneficiaries in VA's needs-based benefit programs and adjust VA benefit payments as prescribed by law. By comparing the information received through the matching program between VBA and IRS, VBA will be able to timely and accurately adjust benefit amounts. The match information will help VBA minimize overpayments and deter fraud and abuse. The legal authority to conduct this match is 38 U.S.C. 5106, which requires any Federal department or agency to provide VA such information as VA requests for the purposes of determining eligibility for benefits or verifying other information with respect to payment of benefits. The VA records involved in the match are in "Compensation, Pension, Education, and Vocational and Rehabilitation and Employment Records—VA (58 VA 21/22/28)," a system of records which was first published at 41 FR 9294 (March 3, 1976), amended and republished in its entirety at 86 FR 61858 (November 8, 2021). The IRS records consist of information from the system records and will extract return information related to unearned income of the VBA applicant or beneficiary, and when applicable, the spouse of such individual's, from the Information Return Master File (IRMF), Treasury/IRS 22.061, at 80 FR 54081–082 (September 8, 2015). In accordance with the Privacy

Act, 5 U.S.C. 552a(o)(2) and (r), copies of the agreement are being sent to both Houses of Congress and to the Office of Management and Budget. This notice is provided in accordance with the provisions of Privacy Act of 1974 as amended by Public Law 100–503.

Participating Agencies: Internal Revenue Service (IRS) and Department of Veterans Affairs (VA).

Authority for Conducting the Matching Program: 26 U.S.C. 6103 and 38 U.S.C. 5106.

Purpose(s): To re-establish a matching program with IRS to provide VBA with certain return information needed to determine eligibility for and amount of benefits for VBA applicants and beneficiaries of needs-based benefits and to adjust income-dependent benefit payments as prescribed by law.

Categories of Individuals: Veterans and beneficiaries who apply for VA income benefits.

Categories of Records: VBA will furnish the IRS with records in accordance with the current IRS Publication 3373, DIFSLA Handbook. The requests from VBA will include: The Social Security Number (SSN) and name control (first four characters of the surname) for each individual for whom unearned income information is requested. IRS will provide a response record for each individual identified by VBA. The total number of records will be equal to or greater than the number of records submitted by VBA. In some instances, an individual may have more than one record on file. When there is a match of individual SSN and name control, IRS will disclose the following to VBA: Payee account number; payee name and mailing address; payee Taxpayer Identification Number (TIN); payer name and address; payer TIN; and income type and amount.

System(s) of Records: VBA records involved in this match are in "VA Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA" (58VA21/22/28), a system of records that was first published at 41 FR 9294 (March 3, 1976), amended and republished in its entirety at 86 FR 61858 (November 8, 2021). IRS will extract return information with respect to unearned income of the VBA applicant or beneficiary, and when applicable, of such individual's spouse from the Information Return Master File (IRMF), Treasury/IRS 22.061, as published at 80 FR 54081–082 (September 8, 2015).

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as

an official document of the Department of Veterans Affairs. Merissa Larson, Chief Privacy Officer and Chair of the Data Integrity Board, Department of Veterans Affairs approved this document on September 4, 2025 for publication.

Dated: December 11, 2025.

Crystal Drakeford,
Government Information Specialist, VA Privacy Service, Office of Compliance, Risk and Remediation, Office of Information and Technology, Department of Veterans Affairs.
[FR Doc. 2025–22853 Filed 12–15–25; 8:45 am]

BILLING CODE P



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Part II

Department of the Treasury

Internal Revenue Service

26 CFR Part 1

Tribal General Welfare Benefits; Final Rule

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[TD 10040]

RIN 1545–BQ95

Tribal General Welfare Benefits**AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Final rule.

SUMMARY: This document contains final regulations regarding the exclusion from gross income of certain Tribal general welfare benefits. The regulations address the requirements that apply to determine whether the benefits an Indian Tribal government program provides qualify as Tribal general welfare benefits. These regulations affect Indian Tribal governments, agencies or instrumentalities of such governments, Federally recognized Tribes, members of such Tribes, such members' spouses and dependents, and other Tribal program participants.

DATES:

Effective date: These final regulations are effective on December 16, 2025.

Applicability date: These final regulations apply for taxable years beginning after December 16, 2025.

FOR FURTHER INFORMATION CONTACT:

Jonathan A. Dunlap at (202) 317–4718 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Authority**

This document contains amendments to the Income Tax Regulations (26 CFR part 1) under sections 139E and 7872 of the Internal Revenue Code (Code).

Section 139E(c)(3) provides an express delegation of authority for the Secretary of the Treasury or the Secretary's delegate (Secretary), "in consultation with the Tribal Advisory Committee (as established under section 3(a) of the Tribal General Welfare Exclusion Act of 2014), [to] establish guidelines for what constitutes lavish or extravagant benefits with respect to Indian tribal government programs."

The regulations are also issued under the express delegations of authority under sections 7805(a) and 7872(i) of the Code. Section 7805(a) authorizes the Secretary to "prescribe all needful rules and regulations for the enforcement of [the Code], including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue." Section 7872(i) authorizes the Secretary to "prescribe such regulations as may be

necessary or appropriate to carry out the purposes of this section, including . . . regulations exempting from the application of this section any class of transactions the interest arrangements of which have no significant effect on any Federal tax liability of the lender or the borrower."

Background*I. The Tribal General Welfare Exclusion Act of 2014*

The Tribal General Welfare Exclusion Act of 2014 (Act), Public Law 113–168, 128 Stat. 1883 (2014), as enacted on September 26, 2014, among other things, amended the Code by adding section 139E. Under section 139E, gross income of an individual does not include the value of any "Indian general welfare benefit." Section 139E(b) defines an Indian general welfare benefit as any payment made or services provided to or on behalf of a member of a Tribe (or any spouse or dependent of such a member) pursuant to an Indian Tribal government program, but only if: (1) the program is administered under specified guidelines and does not discriminate in favor of members of the governing body of the Tribe, and (2) the benefits provided under such program are (A) are available to any Tribal member who meets such guidelines, (B) for the promotion of general welfare, (C) not lavish or extravagant, and (D) not compensation for services. Further, section 139E(c)(5) provides that any items of cultural significance, reimbursement of costs, or cash honorarium for participation in cultural or ceremonial activities for the transmission of Tribal culture "shall not be treated as compensation for services" for purposes of section 139E. This preamble and the final regulations refer to an Indian general welfare benefit as a "Tribal General Welfare Benefit."

Section 2(c) of the Act provides that ambiguities in section 139E are to be resolved in favor of Indian Tribal governments. Section 2(c) of the Act also requires that deference be given to Indian Tribal governments for the programs administered and authorized by the Tribe to benefit the general welfare of the Tribal community.

Section 2(d)(1) of the Act provides that section 139E applies to taxable years for which the period of limitation on refund or credit under section 6511 of the Code has not expired. Section 2(d)(2) of the Act provides that if the period of limitation on a credit or refund resulting from the enactment of section 139E expires before the end of the 1-year period beginning on the date of the enactment of the Act, refund or

credit of such overpayment (to the extent attributable to such amendments) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.

Section 3 of the Act requires the Secretary of the Treasury to establish a Tribal Advisory Committee. The Department of the Treasury Tribal Advisory Committee (TTAC) held its inaugural meeting on June 20, 2019. Under section 3(b) of the Act, the TTAC's mandate is to advise the Secretary of the Treasury on matters relating to the taxation of Indians, and the Secretary of the Treasury is required to consult with the TTAC to establish and require training and education for internal revenue field agents who administer and enforce internal revenue laws. This includes (A) training and education with respect to Federal Indian law and the Federal Government's unique legal treaty and trust relationship with Indian Tribal governments, and (B) training of such internal revenue field agents, and provision of training and technical assistance to Tribal financial officers, about implementation of the Act and the amendments made by the Act.

Section 4(a) of the Act requires the Secretary of the Treasury to temporarily suspend "all audits and examinations of Indian tribal governments and members of Tribes (or any spouse or dependent of such a member), to the extent such an audit or examination relates to the exclusion of a payment or benefit from an Indian tribal government under the general welfare exclusion" until the training and education previously described is completed. Section 4(a) further provides that the running of the period of limitation under section 6501 of the Code with respect to Indian Tribal governments and members of Indian Tribes is suspended during the period in which such audits and examinations are suspended.

II. Prior Guidance

Revenue Procedure 2014–35 (2014–26 I.R.B. 1110), which was issued before section 139E was enacted, provided safe harbors under which the IRS conclusively presumed the individual need requirement of the administrative general welfare exclusion is met for benefits provided under Indian Tribal government programs that meet the safe harbor requirements. In addition, the revenue procedure provided that the IRS will not assert that recipients of benefits under a safe harbor must include the value of those benefits in gross income or that the benefits are subject to the information reporting

requirements of section 6041 of the Code.

Following the enactment of section 139E, the Department of Treasury (Treasury Department) and the IRS published Notice 2015–34 (2015–18 I.R.B. 942), providing guidance to taxpayers regarding the effect of section 139E on Revenue Procedure 2014–35. Notice 2015–34 provides that taxpayers can rely on Revenue Procedure 2014–35 for the safe harbors under which certain benefits provided by Indian Tribal government programs may be excluded from gross income under the administrative general welfare exclusion. Additionally, Notice 2015–34 requested comments on issues that future guidance might address regarding the implementation of section 139E and other parts of the Act.

On June 16, 2021, the TTAC's General Welfare Exclusion Subcommittee (TTAC GWE Subcommittee) submitted to the TTAC a report (TTAC Report) containing the TTAC GWE Subcommittee's interpretation of the core principles underlying section 139E, and an Appendix containing draft proposed regulations interpreting section 139E (TTAC draft proposed regulations), consistent with those core principles. On October 26, 2022, the TTAC formally recommended and approved the TTAC Report to be submitted for the record and published for Tribal comment.

The Treasury Department sent a Tribal consultation letter, dated October 27, 2022 (2022 Dear Tribal Leader Letter), to Tribal leaders to request consultation on the Act and the TTAC Report. The 2022 Dear Tribal Leader Letter announced consultation meetings to be held on December 14, 15, and 16, 2022 (December 2022 Consultations), to discuss the Act and the TTAC Report. In response to the 2022 Dear Tribal Leader Letter, and after the December 2022 Consultations, the Treasury Department received 65 written comments from Tribes and two Tribal organizations (collectively, 2022 Tribal Comments).

On September 17, 2024, following extensive consultation with TTAC, the Treasury Department and the IRS published a notice of proposed rulemaking (REG–106851–21) in the **Federal Register** (89 FR 75990) under section 139E (proposed regulations). The proposed regulations reflect consideration of the TTAC Report, December 2022 Consultations, 2022 Tribal Comments, and consultation with the TTAC and the TTAC GWE Subcommittee.

The Treasury Department sent a Tribal consultation letter, dated

September 13, 2024 (2024 Dear Tribal Leader Letter), to Tribal leaders to request consultation on the proposed regulations. The 2024 Dear Tribal Leader Letter announced consultation meetings to be held on November 18, 19, and 20, 2024 (November 2024 Consultations), to discuss the proposed regulations. In response to the 2024 Dear Tribal Leader Letter and after the November 2024 Consultations, the Treasury Department received 103 written comments from Tribes and Tribal organizations (collectively, 2024 Tribal Comments).

A public hearing on the proposed regulations was held on January 13, 2025, at which five speakers provided testimony. The Treasury Department and the IRS received 41 public comments in response to the notice of proposed rulemaking. Copies of the comments are available for public inspection at <http://www.regulations.gov> or upon request.

After considering all of the public comments, 2024 Tribal Comments, speaker outlines, and testimony (collectively, comments) received in response to the proposed regulations, and extensive consultation with the TTAC GWE Subcommittee, the Treasury Department and the IRS adopt the proposed regulations, as revised in response to such comments, as final regulations. The comments and the revisions are discussed in the following Summary of Comments and Explanation of Revisions section of this preamble.

The Treasury Department and the IRS emphasize that the scope of tribal general welfare under section 139E and these regulations is broader than the scope of general welfare under the administrative general welfare doctrine, which is generally limited to governmental programs providing benefits based on need. This broader scope is due both to specific language in section 139E itself, such as the language in section 139E(c)(5) providing that certain cultural or ceremonial activities shall not be treated as compensation, and to the language in section 2(c) of the Act providing that ambiguities in the Act are to be resolved in favor of Indian Tribal governments and that deference must be given to Indian Tribal governments with respect to the programs they determine are to benefit the general welfare of the tribal community. Accordingly, section 139E and these final regulations do not provide any basis for analyzing the applicability of the administrative general welfare doctrine to any benefit.

Summary of Comments and Explanation of Revisions

I. Overview

This Summary of Comments and Explanation of Revisions summarizes the formal written public comments submitted in response to the proposed regulations; comments made at the public hearing announced in the preamble to the proposed regulations and held on January 13, 2025; written Tribal comments provided in connection with Treasury Tribal consultations; and comments made in connection with the TTAC GWE Subcommittee consultations addressing the proposed regulations. Comments merely summarizing or interpreting the proposed regulations generally are not discussed in this preamble.

Most of the commenters expressed general approval of the proposed regulations and support for the deference provided for Tribal sovereignty; Tribal self-determination; Tribal self-governance; and the diverse traditions, governance structures, cultures, geographies, and economic conditions of Tribal Nations and their citizens. Several commenters appreciated the clarity provided in the proposed regulations, noting that the lack of guidance on this topic has hampered Tribal general welfare programs and that the regulations will enable Tribes to review and update existing Tribal general welfare programs to meet the requirements of section 139E. One commenter underscored the importance of excluding benefit amounts for housing and education, which are designed to address the negative impacts of prior policies, from tax.

A few commenters expressed opposition to all Federal taxation of Tribes; opposition to what a commenter describes as the proposed regulations' "racist, paternalistic, ethnocentric, contrary to international law, and contrary to self-determination" character and the proposed regulations' purported failure to put Tribal general welfare issues under the sole jurisdiction of Tribes; opposition to purported interference with Congressional intent regarding the taxation, self-determination, and self-governance of Tribes; opposition to changes to current regulations; and opposition to the placement of arbitrary barriers on Tribal general welfare.

The Treasury Department and the IRS have engaged in extensive consultation with the TTAC and Tribal leaders, prior to and following the issuance of the proposed regulations. The Treasury Department and the IRS have worked to

address all concerns expressed in public comments and consultation to the extent permitted by the Act and section 139E. The comments received are addressed in more detail in parts II through X of this Summary of Comments and Explanation of Revisions.

Many commenters supported the deference provided to Indian Tribal governments in the proposed regulations and the acknowledgment that Tribal governments are best positioned to define, establish, and administer general welfare programs for their citizens, particularly with regard to Tribal determinations of the promotion of the general welfare and the identification of activities as having cultural significance. These commenters further appreciated that this approach recognizes the Indian Tribal governments' inherent sovereignty, right to self-determination, and right to self-governance.

A few commenters referred to section 2(c) of the Act as evincing Congressional intent for deference to be given to Indian Tribal governments in the design and implementation of their general welfare programs without undue interference from the Federal government. Some commenters recommended that section 2(c) of the Act be specifically included in the final regulations because it is a key foundation of the Act and would be important to understanding section 139E and the regulations in the future.

The Treasury Department and the IRS agree with commenters that section 2(c) of the Act is central to the interpretation of section 139E and that ambiguities in section 139E must be resolved in favor of Indian Tribal governments and deference to Indian Tribal governments must be provided for the programs that are administered and authorized by the Tribe to benefit the general welfare of the Tribal community. The Treasury Department and the IRS applied section 2(c) of the Act when drafting these regulations in a manner that provides deference to Indian Tribal governments and interprets ambiguities in section 139E in favor of the Indian Tribal governments. Notwithstanding that section 2(c) of the Act supplied these central principles that were used when drafting these final regulations, the Treasury Department and the IRS agree with commenters that it is helpful to include the language from section 2(c) of the Act in new § 1.139E–1(f) and remaining paragraphs are renumbered accordingly. Section 1.139E–1(f) thus ensures the Congressional intent of deference to Tribes for programs administered and authorized under the

Act is preserved when interpreting section 139E.

II. Section 139E Definitions

A. Definition of Indian Tribal Government

Under section 7701(a)(40)(A) of the Code, the term “Indian Tribal government” when used in the Code and “where not otherwise distinctly expressed or manifestly incompatible with the intent thereof,”¹ means “the governing body of any tribe, band, community, village, or group of Indians, or (if applicable) Alaska Natives, which is determined by the Secretary, after consultation with the Secretary of the Interior, to exercise governmental functions.” Section 7701(a)(40)(B) further provides that “[n]o determination under subparagraph (A) with respect to Alaska Natives shall grant or defer any status or powers other than those enumerated in section 7871 [of the Code]. Nothing in the Indian Tribal Governmental Tax Status Act of 1982, or in the amendments made thereby, shall validate or invalidate any claim by Alaska Natives of sovereign authority over lands or people.”

Section 139E(c)(1) of the Code expressly provides a broader meaning of the term “Indian Tribal government” for purposes of section 139E. The broader meaning is arrived at by adding two additional sets of entities to the Code's general definition of “Indian Tribal government.” The first set of additional entities includes “any agencies or instrumentalities of an Indian Tribal government.” The second set of additional entities includes “any Alaska Native regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*).” An entity described in this second set of additional entities is referred to in this preamble as an “Alaska Native regional or village corporation.”

Proposed § 1.139E–1(b)(4) addressed only the first set of entities included in the definition of Indian Tribal government in section 139E(c)(1) and clarified that for purposes of proposed § 1.139E–1, the term “Indian Tribal Government” has the meaning provided in section 7701(a)(40) of the Code, and, as provided in section 139E(c)(1), also includes agencies and instrumentalities of such Indian Tribal governments. The proposed regulations did not address Alaska Native regional or village

corporations in the definition of Indian Tribal government for purposes of the rules in § 1.139E–1. Instead, the proposed regulations reserved proposed § 1.139E–2 for future rules to clarify the application of section 139E to benefits provided by Alaska Native regional or village corporations.

While one commenter expressed support for the application of the proposed regulations to “Alaska Native Americans,” several commenters objected to the omission of Alaska Native regional or village corporations from the definition of Indian Tribal government and from consultation prior to the issuance of the proposed regulations. These commenters argued that Alaska Native regional or village corporations should have been included in the definition in proposed § 1.139E–1 and invited to participate in the Tribal consultation, and that their omission is contrary to Congressional intent, the statutory language of section 139E, the holding in *Yellen v. Confederated Tribes of the Chehalis Reservation*, 594 U.S. 338 (2021), the Indian Self-Determination and Education Assistance Act (ISDEAA), Public Law 93–638, 88 Stat. 2203 (1975), and Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 9, 2000).

These commenters expressed concern that the omission of Alaska Native regional or village corporations from this definition may suggest section 139E is not applicable to Alaska Native regional or village corporations, with one commenter suggesting shareholders of Alaska Native regional or village corporations who are not otherwise members of Tribes could be disproportionately impacted.

One commenter requested consultation with Alaska Native regional or village corporations be held immediately and that the Treasury Department and the IRS publish a proposed regulation under § 1.139E–2 with notice and comment on such regulation prior to issuing final regulations under § 1.139E–1.

The Treasury Department and the IRS understand the concerns raised by these comments and agree with commenters that section 139E(c)(1) includes Alaska Native regional or village corporations in the definition of Indian Tribal government for purposes of section 139E. The omission of Alaska Native regional or village corporations from the definition of Indian Tribal government in proposed § 1.139E–1 was never intended to suggest Indian general welfare benefits cannot be provided by an Alaska Native regional or village corporation to or on behalf of its

¹ Per the flush language of section 7701(a), each definition provided therein is generally applicable under provisions of the Code “where not otherwise distinctly expressed or manifestly incompatible with the intent thereof.”

members (or any spouse or dependent of such members). Thus, the Treasury Department and the IRS agree that section 139E permits Alaska Native regional or village corporations to provide Indian general welfare benefits, and that other provisions of the Act also apply to Alaska Native regional or village corporations.

The Treasury Department and the IRS therefore held consultation with Alaska Native regional or village corporations on section 139E on July 29, 2025. The feedback received during this consultation will help the Treasury Department and the IRS determine what customizations of the rules in § 1.139E–1 may be useful in promulgating regulations under § 1.139E–2 that will apply specifically to Alaska Native regional or village corporations and make more clear their ability to provide benefits under section 139E. As part of this consultation, the Treasury Department and the IRS asked questions of Alaska Native regional or village corporations, the answers to which will inform the drafting of regulations tailored to the needs of Alaska Native regional or village corporations to implement section 139E more effectively. The Treasury Department and the IRS expect the process of promulgating additional final regulations under § 1.139E–2 will be similar to the process used to promulgate § 1.139E–1 applicable to Federally recognized Tribes.

Accordingly, these final regulations under § 1.139E–1 do not include Alaska Native regional or village corporations in the definition of Indian Tribal government found in § 1.139E–1(b)(4). However, *see* part X.B. of this Summary of Comments and Explanation of Revisions for a discussion of the consultation and the ability of Alaska Native regional or village corporations to choose to apply the rules of § 1.139E–1 as included in this Treasury decision pending the promulgation of additional regulations under § 1.139E–2.

B. Definition of Tribe

Proposed § 1.139E–1(b)(7) would define “Tribe” as any Indian Tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village as defined in 43 U.S.C. 1602(c), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Alaska Native regional or village corporations are excluded from this definition of Tribe.

Two commenters requested Alaska Native regional or village corporations

be included in the definition of Tribe in § 1.139E–1(b)(7) of the final regulations.

The Treasury Department and the IRS decline to modify the definition of Tribe in § 1.139E–1(b)(7) of these final regulations because subsequent guidance promulgated at § 1.139E–2 will specifically address the application of the requirements of section 139E to Alaska Native regional or village corporations. The Treasury Department and the IRS acknowledge that Alaska Native regional or village corporations can have programs that qualify to provide general welfare benefits that are excludible from gross income under section 139E. However, the Treasury Department and the IRS intend to issue future guidance specific to the unique circumstances of Alaska Native regional or village corporations. *See*, however, part X.B. of this Summary of Comments and Explanation of Revisions for further discussion of the consultation with Alaska Native regional or village corporations and the ability of an Alaska Native regional or village corporation to choose to apply the rules of § 1.139E–1 as included in this Treasury decision pending the promulgation of additional final regulations under § 1.139E–2.

C. Definition of Tribal Program Participant

1. In General

Proposed § 1.139E–1(b)(8) would provide that the term “Tribal program participant” means a Tribal member, spouse of a Tribal member within the meaning of § 301.7701–18 of the Procedure and Administration Regulations (26 CFR part 301), spouse of a Tribal member under applicable Tribal law, dependent of a Tribal member, or other individual who has been determined by the Indian Tribal government to be eligible for a Tribal general welfare benefit because such individual is, with respect to a Tribal member, an ancestor, descendant, former spouse, widow or widower, legally recognized domestic partner or former domestic partner.

Most commenters supported the breadth of, and deference provided by, the definition of Tribal program participant in proposed § 1.139E–1(b)(8) and supported the use of Tribal law to determine eligible program participants. Some commenters requested that Indian Tribal government programs be able to cover additional categories of recipients, including unenrolled individuals in the community; step-parents, custodians, guardians, and foster parents of an Indian child; and other members of the same household. Commenters broadly requested Tribes be able to define the

categories listed in the Tribal program participant definition in the proposed regulations.

The Treasury Department and the IRS generally decline to expand the definition of Tribal program participant in these final regulations to individuals that are unenrolled members of the Tribal community. These individuals are neither members of an Indian Tribe (or any spouse or dependent of such a member) as described under section 139E(b), nor “qualified nonmembers” under Revenue Procedure 2014–35. The Treasury Department and the IRS have determined the statutory language and legislative history generally do not support an extension of section 139E beyond the individuals provided in the definition of Tribal program participant under proposed § 1.139E–1(b)(8).

However, the Treasury Department and the IRS have determined the definition of Tribal program participant should be clarified to include an individual for whom a Tribal member is a caregiver authorized under Tribal or State law. The Treasury Department and the IRS understand a Tribal member may be legally authorized or required to be a caregiver for an individual even though such individual is not otherwise eligible to receive payments under the Indian Tribal government program. This definitional change from the proposed regulations is a clarification of the deference given to Indian Tribal government programs to determine whether providing benefits to a Tribal member to care for such individuals is for the promotion of general welfare.

2. Special Rule for Ceremonial or Cultural Activities

Proposed § 1.139E–1(b)(8)(ii) would provide that, solely for purposes of proposed § 1.139E–1(e), the definition of Tribal program participant may include a member or citizen of a Tribe other than the Tribe that establishes or maintains the Indian Tribal government program that provides the Tribal general welfare benefit.

One commenter recommended that proposed § 1.139E–1(b)(8)(ii) should be revised to include benefits provided by an Indian Tribal government program, according to the custom of certain Tribes, to the spouse of a member or citizen of a different Tribe. Other commenters requested that final § 1.139E–1(b)(8)(ii) apply to indigenous people from outside the United States, including Canada, Mexico, and South America, if these individuals participate in a Tribe’s ceremonial and cultural activities for the transmission of Tribal culture.

Accordingly, § 1.139E–1(b)(8)(ii) of these final regulations provides that, solely for purposes of § 1.139E–1(e), relating to cultural or ceremonial activities, the definition of “Tribal program participant” includes, in addition to a member or citizen of a different Tribe, other individuals described in § 1.139E–1(b)(8)(i). For purposes of this addition, in applying paragraph § 1.139E–1(b)(8)(i), such member or citizen of another Tribe will be treated as a Tribal Member. The Treasury Department and the IRS understand that a member or citizen of another Tribe, the spouse and certain other family members of the member or citizen of another Tribe, may also participate in another Tribe’s cultural or ceremonial activities. As such, these final regulations broaden the special rule of § 1.139E–1(b)(8)(ii), which continues to apply solely for purposes of § 1.139E–1(e).

However, the Treasury Department and the IRS have determined that the benefits that section 139E refers to are those provided to or on behalf of members of a Tribe (or any spouse or dependent of such a member). “Tribe” is defined by reference to section 45A(c)(6) of the Code, which generally refers to Federally recognized Tribes. Accordingly, § 1.139E–1(b)(8)(ii) of these final regulations does not expand the reference to members or citizens of a different Tribe to include members or citizens of non-Federally recognized Tribes whether located in or outside of the United States.

D. Definition of Dependent

Proposed § 1.139E–1(b)(10) would define the term “dependent” in accordance with section 139E(c)(2). However, for ease of readability, the proposed regulations would not cite the specific Code sections but instead would describe the rules for determining who is a dependent under section 152(a) of the Code without regard to section 152(b)(1), (b)(2), and (d)(1)(B).

Several commenters recommended that Tribes should be given broad deference, or “sole discretion,” to define the term dependent under Tribal law for purposes of section 139E and the final regulations, or otherwise provide a presumption that the Indian Tribal government’s definition of dependent is valid. These commenters highlighted that dependent may be defined differently under the law of each Indian Tribal government, or that a Tribe may lack sufficient information to determine whether a general welfare program recipient, including a non-member child, is eligible for benefits under

section 139E and the proposed regulations.

The Treasury Department and the IRS decline to change the definition of dependent in these final regulations, as this term is expressly defined in section 139E(c)(2). The statute unambiguously defines dependent, as provided in section 152 as modified by section 139E(c)(2). However, these final regulations clarify that for purposes of section 139E the term dependent has the meaning provided in section 152 determined without regard to section 152(b)(1), (b)(2), and (d)(1)(B).

III. Indian Tribal Government Program

Proposed § 1.139E–1(c) would provide certain requirements that a program must meet to constitute an “Indian Tribal government program” for purposes of section 139E and the proposed regulations. These requirements are: (1) the program must be established by an Indian Tribal government, (2) the program must be administered under specified guidelines, and (3) the program cannot discriminate in favor of members of the governing body. Each requirement is discussed in more detail in this part III.

A. Program Must Be Established

Proposed § 1.139E–1(c)(2) would provide that a program must be established by an Indian Tribal government. The program may be established by Tribal custom, government practice, or formal action of the Indian Tribal government under applicable Tribal law. The proposed regulations also would provide that, to the extent permitted by applicable Tribal law, an Indian Tribal government may delegate authority to establish general welfare programs to a designated individual or entity of the Indian Tribal government. Moreover, the proposed regulations would provide that an Indian Tribal government is not required to set forth the program in a written document unless applicable Tribal law requires a writing as part of the formal actions of the Indian Tribal government.

Many commenters approved of the flexible program documentation requirements, noting that this flexibility reflects respect for the diverse traditions and governance structures of Tribal nations by allowing programs to be established through Tribal customs, practices, or formal written policies. These commenters noted that such respect is essential to meaningful self-determination. However, one commenter recommended that the final regulations include guidance on what documentation is necessary for

programs established before the documentation standards provided in the proposed regulations, and recommended that Indian Tribal governments be permitted to affirm or establish multiple existing programs with a single, blanket action. The commenter also requested the final regulations recognize Tribal laws that provide a less formal path to establish programs.

The Treasury Department and the IRS have determined that no modifications are needed in these final regulations to the text used in proposed § 1.139E–1(c)(2). Section 139E(c)(4) and § 1.139E–1(c)(2) allow a program to be established by Tribal custom or government practice, and defer to Tribal law to determine what formal action, if any, of the Indian Tribal government is necessary to establish a program. Section 1.139E–1(c)(2) provides deference to the Indian Tribal government to determine whether a program is to be established by Tribal custom or government practice, or by formal action of the Indian Tribal government. Thus, in general, the Treasury Department and the IRS would respect an Indian Tribal government’s action of affirming or establishing multiple existing programs with a single formal action as satisfying § 1.139E–1(c)(2) if such action is permitted by Tribal law.

The Treasury Department and the IRS also decline to depart from the language of the proposed regulation to provide examples of less formal ways that may be used to establish a program because § 1.139E–1(c)(2) already provides that “formal action” means authorization of the program pursuant to Tribal law. The Treasury Department and the IRS intend that § 1.139E–1(c)(2) provides deference to the Indian Tribal government, subject to the application of its Tribal laws, to determine the process required to establish programs.

B. Program Must Be Administered Under Specified Guidelines

Proposed § 1.139E–1(c)(3) would provide the requirements for the administration of the program under specified guidelines. In general, the specified guidelines of the program represent the framework for the program’s operations. Under proposed § 1.139E–1(c)(3), the specified guidelines of the program must include, at a minimum, a description of the program to provide Tribal general welfare benefits, the benefits provided by the program (including how the benefits are determined), the eligibility requirements for the program, and the process for receiving benefits under the

program. While Indian Tribal governments may choose to set forth the specified guidelines in writing, an Indian Tribal government program is not required to memorialize the specified guidelines in a writing.

Many commenters approved of the flexibility in the proposed regulations to develop program guidelines, which is essential to meaningful self-determination, and recommended that the final regulations not add additional requirements that could negatively impact the deference to Tribes and the recognition of their varied and unique governance structures. To that end, one commenter recommended that the final regulations provide that Indian Tribal governments have the sole discretion to determine the form and content of specified guidelines, consistent with Tribal law.

Section 139E(b)(1) provides that an Indian Tribal government program must be administered under specified guidelines. However, the Treasury Department and the IRS acknowledge that Indian Tribal governments are entitled to deference for the programs they establish and administer. Proposed § 1.139E–1(c)(3) would also provide that in addition to the minimum details described above, the Indian Tribal government may provide additional details in the program's specified guidelines and choose to memorialize this information in a writing. However, proposed § 1.139E–1(c)(3) would not require the specified guidelines to be in writing.

Several commenters requested clarification or removal of one of the minimum requirements for specified guidelines in proposed § 1.139E–1(c)(3). Specifically, these commenters considered the parenthetical phrase, “(including how benefits are determined),” to be ambiguous. The commenters suggested the phrase is either redundant with the requirement for a description of the “eligibility requirements,” or alternatively requires an Indian Tribal government to provide detailed justification of any benefits provided, contrary to the general deference provided to Indian Tribal governments in the proposed regulations.

The parenthetical phrase in proposed § 1.139E–1(c)(3), “(including how benefits are determined),” was intended by the Treasury Department and the IRS to require the specified guidelines of a program to include information as to how the type of benefit provided under the program would promote the Indian Tribal government's general welfare goal. The Treasury Department and the IRS acknowledge many commenters

found the language to be unclear and have determined that the language is unnecessary because its intent is adequately addressed by the other specified guidelines. Thus, § 1.139E–1(c)(3) of the final regulations states in relevant part that the “specified guidelines must include, at a minimum, a description of the program to provide Tribal General Welfare Benefits, the eligibility requirements for the program, a description of the type of benefits authorized by the program, and the process for receiving benefits under the program.”

One commenter expressed further concern that proposed § 1.139E–1(c)(3) is ambiguous in its application or applicability to programs created prior to the issuance of proposed or final regulations under section 139E, or programs for which the requirements are set forth in several documents or actions, as may be required to meet the acute needs of the community.

The specified guidelines provided in § 1.139E–1(c)(3) are minimum program guidelines that are fundamental to the operation of a Tribal general welfare program under section 139E. The Treasury Department and the IRS understand that some transition time may be necessary to ensure Indian Tribal government programs meet both the establishment and the administration requirements (including the specified guidelines requirement). Section 1.139E–1(c)(3) does not provide guidance on transition for existing programs because transitional rules are more broadly provided elsewhere in these regulations. Specifically, § 1.139E–1(h) provides that Indian Tribal governments and Tribal program participants will be required to apply the final regulations to taxable years of Tribal program participants that begin on or after January 1, 2027, while also allowing Indian Tribal governments the ability to choose to apply the rules of § 1.139E–1, in their entirety, to benefits provided to Tribal program participants in prior taxable years. The Treasury Department and the IRS believe this applicability date provides Indian Tribal governments a reasonable transition period to make any program adjustments or updates that may be necessary for their programs to satisfy the requirements of § 1.139E–1.

The Treasury Department and the IRS emphasize that § 1.139E–1(c)(3) does not require the specified guidelines to be in writing or otherwise prescribe how the Indian Tribal government program retains its specified guidelines. Thus, the program may satisfy the specified guidelines requirement in § 1.139E–1(c)(3) with a single written document,

several documents, or non-written guidelines. Section 1.139E–1(c)(3) is intended to provide broad deference to Indian Tribal governments to determine how such specified guidelines are created, maintained, or modified.

C. Program Cannot Discriminate in Favor of Members of the Governing Body of the Tribe

Proposed § 1.139E–1(c)(4) would provide that an Indian Tribal government program may not discriminate in favor of members of the governing body of the Tribe (non-discrimination requirement). A governing body is generally the legislative body of the Tribe, such as the Tribal council, or the representative equivalent of the legislative body of the Tribe. However, proposed § 1.139E–1(c)(4)(ii) would treat a program as being in compliance with the non-discrimination requirement if the governing body of the Tribe consists of the entire adult membership of the Tribe, referred to as a “general council Tribe.”

Proposed § 1.139E–1(c)(4)(iii) would provide a facts and circumstances test to determine whether a program, either by its terms or in its administration, discriminates in favor of members of the governing body of the Tribe. For example, the administration of a program would discriminate in favor of members of the governing body if, based on the facts and circumstances, the benefits provided during the taxable year disproportionately favor members of the governing body of the Tribe. Thus, for example, a program established to provide benefits solely to the children of members of the governing body of the Tribe (unless the Tribe is a general council Tribe) and thus defrays costs otherwise borne by the members of the governing body would fail to satisfy the non-discrimination requirement.

Commenters indicated that it is unlikely that an Indian Tribal government would differentiate benefits or establish a general welfare program solely for its governing body because it contradicts the intent of a general welfare program to provide for the well-being of Tribal members. In addition, commenters recommended changes from the language of proposed § 1.139E–1(c)(4) to prevent potential unintended consequences for situations where a program benefit would be available to any eligible Tribal member but, in a particular point of time, the only eligible beneficiaries of a particular Tribal general welfare benefit are members of the Indian Tribal government or their family members.

The commenters provided an example of a tuition assistance program in which one individual beneficiary may qualify for benefits in the taxable year, and such individual is a family member of a Tribal government official. Commenters requested clarification on the application of proposed § 1.139E–1(c)(4) where benefit distributions vary annually but may have the appearance in any given year that distributions disproportionately benefit certain Tribal members. These commenters emphasized that § 1.139E–1(c)(4) should evaluate an Indian Tribal government program based on its structure and historical administration, and whether such program is designed and administered to avoid discrimination in favor of a Tribe's governing body. Finally, one commenter requested clarification that benefits provided to former members of Tribal governing bodies to compensate for sacrificing Social Security benefit credits during their terms of service are not considered either compensation for current services or discriminatory in favor of such recipients such that they would fail to satisfy section 139E under the final regulations.

The Treasury Department and the IRS agree with commenters that clarification would be helpful on how the facts and circumstances test in proposed § 1.139E–1(c)(4) applies in certain situations. The Treasury Department and the IRS understand that there may be instances when, in a given year, a program distributes benefit payments disproportionately to members of the governing body or their families even though the program does not by its terms disproportionately favor members of the governing body and, in most other years, does not disproportionately favor members of the governing body. The facts and circumstances test provides flexibility to account for an anomalous year where a program otherwise does not disproportionately favor members of the governing body. Nevertheless, the Treasury Department and the IRS agree that clarifying language in § 1.139E–1(c)(4) would be helpful. Accordingly, these final regulations revise § 1.139E–1(c)(4)(iii) to provide that a program discriminates in favor of members of the governing body of the Tribe if, based on the totality of the facts and circumstances, the benefits provided during the year disproportionately favor members of the governing body of the Tribe because of their status as members of the governing body.

The Treasury Department and the IRS do not provide any clarification in response to the comment regarding a specific fact pattern involving benefits

provided to former members of Tribal governing bodies because there are not sufficient facts to address the comment. However, the Treasury Department and the IRS affirm that section 139E(b)(1) and § 1.139E–1(c)(4) provide that an Indian Tribal government program cannot discriminate in favor of members of the governing body.

D. No Limitation on Source of Funds

Proposed § 1.139E–1(c)(5) would provide that benefits under the Indian Tribal government program may be funded by any source of revenue or funds, including funds derived from levies, taxes, and service fees; settlements; revenues from Tribally-owned businesses, including casino revenues; funds from Federal, State, or local governments; and funds from other sources, including grants and loans, to provide benefits under an Indian Tribal government program. Proposed § 1.139E–1(c)(5)(ii) also specifically would permit the funding of Indian Tribal government programs with net gaming revenues. However, the preamble to the proposed regulations noted that an Indian Tribal government is permitted to restrict the source and amount of funds available to provide benefits under the Indian Tribal government program.

Several commenters appreciated that the enumeration of permissible sources in proposed § 1.139E–1(c)(5) was not all-inclusive or limiting but recommended that the list explicitly include “grantor trusts” and deferred benefit accounts as permissible sources of funding. See part III.D.2. of this Summary of Comments and Explanation of Revisions for a discussion of the use of trusts in Tribal general welfare programs.

1. Benefits Funded by Net Gaming Revenues

Proposed § 1.139E–1(c)(5)(ii) would provide that benefits under the Indian Tribal government program may be funded by net gaming revenues as permitted under the Indian Gaming Regulatory Act (25 U.S.C. 2701–2721) (IGRA). However, per capita payments, as defined under IGRA, are subject to Federal taxation under IGRA and are not excludable from gross income under section 139E or the regulations. Proposed § 1.139E–1(c)(5)(ii) further would provide that, for purposes of section 139E, a payment is a per capita payment if it is identified by the Indian Tribal government as a per capita payment in a Revenue Allocation Plan (RAP) that is approved by the Department of the Interior (DOI).

Several commenters approved of proposed § 1.139E–1(c)(5) providing that Tribes may use any revenue source for general welfare programs, including gaming revenue, because the rule supports Tribal sovereignty regarding the use of a Tribe's financial resources. However, several commenters requested that the final regulations confirm the Treasury Department and the IRS will defer to, or give sole discretion to, Indian Tribal governments with respect to allocations under an approved RAP as between per capita payments and Tribal general welfare programs. Conversely, some commenters expressed concern that DOI may evaluate a program's compliance under section 139E and urged the Treasury Department and the IRS to communicate these concerns with DOI and the National Indian Gaming Commission (NIGC).

In response to the comments received, these final regulations differ from proposed § 1.139E–1(c)(5)(ii) in providing that for purposes of section 139E and these regulations, the determination of whether a payment is a per capita payment is based on the RAP that is in effect (that is, approved by DOI) at the time the per capita payment is made to the recipient. The clarification is made because the Treasury Department and the IRS are aware that Indian Tribal governments may modify a RAP and IGRA trusts over the years. As discussed in part III.D.2. of this Summary of Comments and Explanation of Revisions, for purposes of section 139E, whether a distribution from a grantor trust owned by the Indian Tribal government is a general welfare payment is determined when the payment is distributed to the Tribal program participant.

In the view of the Treasury Department and the IRS, the language in proposed § 1.139E–1(c)(5)(ii) would provide deference to an Indian Tribal government's determinations of how net gaming revenue is allocated. Specifically, § 1.139E–1(c)(5)(ii) provides that, for purposes of section 139E and these regulations, a payment is a per capita payment if it is identified by the Indian Tribal government as a per capita payment in a RAP that is approved by the DOI. Similarly, for an Indian Tribal government without a RAP, the determination of the Indian Tribal government that the payment is not a per capita payment is controlling for Federal income tax purposes. Thus, for purposes of section 139E and § 1.139E–1(c)(5)(ii), the IRS will defer to the Indian Tribal government's determination that the allocation of net gaming revenues is classified as general

welfare, or conversely a per capita payment made pursuant to a RAP.

The Treasury Department and the IRS confirm that DOI and NIGC do not have jurisdiction over the determination of whether a program satisfies section 139E and these regulations. The Treasury Department and the IRS have jurisdiction over interpretation of the Internal Revenue Code (26 U.S.C. 1 *et seq.*), and the IRS is the agency responsible for determining whether a program satisfies the requirements of section 139E and these regulations. The Treasury Department and the IRS plan to communicate the commenters' concerns with DOI and NIGC and ensure open dialogue will continue in the future over jurisdictional responsibilities of the respective agencies.

2. Benefits Paid as Distributions From a Grantor Trust

The proposed regulations would not provide guidance on distributions from grantor trusts. In part V.C. of the Explanation of Provisions section of the preamble to the proposed regulations, the Treasury Department and the IRS requested comments on whether additional guidance under section 139E or other Code sections is needed to address the tax treatment of deferred benefits or benefits paid from trust arrangements, and, if so, what specific fact patterns should be addressed.

Most commenters requested that the final regulations include guidance on grantor trusts because many Tribes use grantor trusts and deferred benefit arrangements for flexibility and for the ability to leverage the principal amount of general welfare benefits over a longer period of time, such as with elder care, mortgage, and education benefits. Commenters generally disagreed that Revenue Procedure 2011–56 (2011–49 I.R.B. 834) adequately addresses the use of grantor trusts for excluded Tribal general welfare benefits because that guidance refers to taxable, but tax-deferred, per capita payments under IGRA.

Several commenters recommended that, for purposes of section 139E, amounts held in grantor trusts owned by the Indian Tribal government should be treated like any other Tribal accounts because the Tribe is the owner of the Tribal general welfare benefits until they are disbursed. Commenters note grantor trusts are a tool that may be used to deliver Tribal general welfare benefits if the trust distributions are administered pursuant to the Indian Tribal government program. Many commenters requested that the final regulations confirm that Tribes may use

grantor trusts to fund Indian Tribal government programs, and that any interest and capital gains earned by the trust also are treated as Tribal general welfare payments at the time the program distributes a payment from the grantor trust to the Tribal program participant. For example, one commenter requested clarity on whether distributions from grantor trust accounts that are paid out at the age of majority are Tribal general welfare benefits under section 139E such that distributions of the grantor trust's interest and earnings are also excludable from income at the time of distribution.

Some commenters discussed grantor trusts and IGRA. For example, some commenters suggested that grantor trust distributions should be excluded under section 139E if the grantor trust distributions are Tribal general welfare benefits under section 139E and not otherwise treated as per capita distributions under the Tribe's RAP. The commenter requested that final regulations provide that Tribes may place funds in a grantor trust, identified to specific member subaccounts, that generally conform to existing guidance for IGRA minors' trusts, for future use for general welfare purposes, without Federal income tax consequence to the beneficiary. One commenter also requested guidance on whether a distribution from such a trust could be excluded under section 139E if made pursuant to a plan under section 529, a medical savings plan, a plan under an Indian Tribal government program, or other similar plan.

One commenter recommended that Revenue Procedure 2011–56 be modified to expand the safe harbor to provide additional provisions that can satisfy the safe harbors for trust programs that provide taxable benefits to minors and certain other individuals. Additionally, many commenters requested guidance on how trusts involving taxable income can be restructured to provide Tribal general welfare benefits.

Finally, some commenters requested that the language of proposed § 1.139E–1(c)(5) be expanded to include grantor trusts as a permissible funding source for an Indian Tribal government program. Commenters noted grantor trusts are an important tool used to care for Tribal members, and it is a glaring omission to not include grantor trusts in proposed § 1.139E–1(c)(5) that could lead to possible negative inferences. Several commenters described using gaming revenues to fund grantor trusts for minors and members with legal disabilities and being permitted under IGRA to make distributions to their

parents or legal guardians to pay health, education, and welfare benefits for the benefits of such minors and certain other individuals. One of these commenters noted that this use of trusts indicates Tribes are free to use trust funds to provide Tribal general welfare benefits just as they are free to use any other revenue source.

The Treasury Department and the IRS agree with commenters that a benefit distributed from certain grantor trusts can be a Tribal general welfare benefit under section 139E if the benefit otherwise satisfies the requirements of § 1.139E–1(d), and that additional guidance on the use of grantor trusts would be helpful. Accordingly, these final regulations include express language regarding distributions from grantor trusts in new § 1.139E–1(c)(5)(iii). New § 1.139E–1(c)(5)(iii), which applies to a trust or the portion of a trust of which the Indian Tribal government is treated as the owner under sections 671 through 677 of the Code, provides that a benefit distributed by a trust that otherwise satisfies the requirements of § 1.139E–1(d) is a Tribal General Welfare Benefit under section 139E. Conversely, a distribution from a grantor trust, or portion thereof, will not be considered a Tribal general welfare benefit to the extent the distribution, or portion thereof, fails to satisfy section 139E and the regulations. Section 1.139E–1(c)(5)(iii) further provides that the determination of whether a benefit distributed by a grantor trust is a Tribal general welfare benefit is made at the time the benefit is distributed from the grantor trust to the Tribal program participant. Thus, for example, a distribution from the grantor trust that is paid to an individual as compensation (determined at the time of distribution) would not be excludible under section 139E (unless the exception relating to cultural or ceremonial activities applies).

The Treasury Department and the IRS have determined that providing additional safe harbors under Revenue Procedure 2011–56 is outside the scope of this regulation. Revenue Procedure 2011–56 provides a safe harbor under which the IRS treats a Tribe as the grantor and owner of a trust for the receipt of Tribal gaming revenues under IGRA for the benefit of minors and certain other individuals. That guidance provides rules addressing trusts under IGRA that are not affected by these final regulations.

Commenters requested clarification on the Federal income tax treatment of grantor trust distributions when the Indian Tribal government has previously set up a minor's trust under

IGRA for per capita payments but subsequently distributes general welfare payments from such trust to the Tribal program participant. The Treasury Department and the IRS have generally determined that where an IGRA trust satisfies Revenue Procedure 2011–56 and is treated as owned by the Indian Tribal government, the Indian Tribal government may subsequently determine distributions from the trust are for general welfare purposes under section 139E to the extent that DOI approval is otherwise received to modify a RAP or IGRA trust, as applicable. In general, the date of distribution from the IGRA trust is the relevant time at which to determine whether the payment is a Tribal general welfare benefit or a per capita payment. The Indian Tribal government, subject to DOI approvals of RAPs or IGRA trusts, has sole discretion to determine whether a payment is a per capita payment for purposes of section 139E and these regulations.

3. Deferred Benefits

Some commenters requested that the final regulations provide that Tribal members have the right to defer or disclaim current, smaller, general welfare benefits in exchange for the Tribe funding future, larger general welfare benefits for more-costly needs. One of these commenters noted the importance of flexibility to allow Tribal members to prioritize assistance that meets their specific needs. Some commenters noted they agree with the TTAC proposal that complex IRS deferred compensation rules, like constructive receipt, should not apply to deferred general welfare benefits.

The Treasury Department and the IRS do not agree with the suggestion that Federal income tax principles, such as the constructive receipt doctrine, should be inapplicable to deferred general welfare benefits. The language of section 139E does not provide an exception for treating amounts that, under ordinary Federal income tax principles (such as principles of constructive receipt), are actually or constructively transferred to or for the benefit of a Tribal program participant in one taxable year as being transferred in a later taxable year. The Treasury Department and the IRS note that, as a general matter, a Tribal program participant's election to defer a Tribal general welfare benefit that is made before the Tribal program participant would have rights to the Tribal general welfare benefit under Tribal law would not be treated as constructively received by the Tribal program participant for Federal income tax purposes.

E. Recordkeeping Requirements of the Tribal Program Participant

The preamble to the proposed regulations stated, under the general recordkeeping requirements of section 6001, that Tribal program participants are required to maintain records sufficient to show that the value of a Tribal general welfare benefit received from an Indian Tribal government program is excludable from gross income. Under section 6001 and § 1.6001–1(a), taxpayers are required to maintain records sufficient to establish the amount of gross income or other matters required to be shown by them in any return of income tax.

Many commenters expressed confusion regarding substantiation requirements that Tribal program participants may have for benefits received from Indian Tribal government programs. One commenter expressed appreciation that Tribes and Tribal program participants, in the commenter's interpretation of the proposed regulations, were not required to keep receipts to substantiate benefits. However, other commenters recommended that the final regulations expressly provide that Tribal program participants will not be subject to additional substantiation requirements such as maintaining receipts or other proof not otherwise required by the Indian Tribal government program. Further, some of these commenters pointed out that the Treasury Department stated at Tribal consultations that receipts were not needed to substantiate the benefit. In general, commenters explained that imposing additional substantiation requirements on Indian Tribal governments and Tribal program participants would create administrative burdens and contradict the Act's objective of streamlining Tribal program administration.

Some commenters referred to the TTAC Report, which proposes that individual members should not be required to submit receipts to prove general welfare expenses if there is sufficient documentation of an Indian Tribal government's general welfare program, including written program guidelines, and that compliance should be presumed for Tribal program participants where the Indian Tribal government can show benefit amounts are reasonably calculated to meet general welfare needs and the method of distribution to members is reasonably expected to achieve program goals. Other commenters proposed that the IRS should use an Indian Tribal government's year-end compliance

certificates confirming general welfare expenses at or above program benefit levels and any corroborating program documentation as sufficient substantiation of a Tribal program participant's benefits. Finally, a commenter recommended that complete deference be given to Indian Tribal government determinations for the administration of program benefits such that the Tribal program participant's substantiation of Tribal general welfare benefits for Federal income tax purposes is satisfied.

Many commenters requested that the Treasury Department and the IRS maintain the deference to Indian Tribal government program methods for substantiation of general welfare program benefits so long as an Indian Tribal government implements its general welfare program consistent with written program guidelines that meet the criteria of section 139E. These commenters suggested addressing only situations where additional substantiation may be required. Some commenters noted that substantiation requirements for benefits add administrative costs to Indian Tribal governments.

These final regulations do not impose additional recordkeeping requirements on Tribal program participants. However, section 6001 and § 1.6001–1 generally require a taxpayer to maintain records to establish the amount of gross income reported on the taxpayer's tax return. This requirement is independent of the exclusion provided under section 139E. Notwithstanding the previous sentence, the Treasury Department and the IRS confirm that individuals are not required to maintain personal receipts to substantiate that a benefit provided under an Indian Tribal government program was used by the recipient for the purpose for which it was provided. Deference is given to the Indian Tribal government with regard to the general welfare programs it administers and, accordingly, what requirements a Tribal program participant may need to satisfy in order to receive program benefits.

Accordingly, the Treasury Department and the IRS do not prescribe any specific types of documentation that a Tribal program participant would be required to retain to substantiate that a particular benefit is a Tribal general welfare benefit excludable from gross income under section 139E. Nonetheless, corroborating program documentation, such as a written description of the Indian Tribal government program, an application or acceptance letter into the program, or any year-end compliance certificates of the Indian Tribal government may

satisfy the requirements of section 6001 and § 1.6001–1. Moreover, Tribal program participants may choose to ask the Indian Tribal government for clarification on whether the benefit is intended to be a Tribal general welfare benefit under section 139E.

IV. Tribal General Welfare Benefits

A. Benefits Must Be for the Promotion of General Welfare Within the Meaning of Section 139E

1. Deference to Tribes in Determining Promotion of General Welfare

Proposed § 1.139E–1(d)(2)(i) would provide that a benefit provided under an Indian Tribal government program must be for the promotion of general welfare, and that the Indian Tribal government determines that a benefit is for the promotion of general welfare at the time it establishes the program. Proposed § 1.139E–1(d)(2)(i) would provide that an Indian Tribal government has sole discretion to determine whether a benefit is for the promotion of general welfare and that the IRS will defer to the Indian Tribal government's determination that a benefit is for the promotion of general welfare. Proposed § 1.139E–1(d)(2)(i) would provide that Tribal general welfare benefits may be provided without regard to financial or other need of Tribal program participants and may be provided on a uniform or pro-rata basis.

Commenters generally appreciated the deference provided to Indian Tribal governments for establishing programs to promote the general welfare. Commenters noted that Indian Tribal governments are uniquely positioned to assess the distinct cultural, social, and economic needs of their Tribes and Tribal program participants, and structure their general welfare programs accordingly. Several commenters also appreciated that Indian Tribal governments have sole discretion to determine whether a benefit is for the promotion of general welfare.

One commenter requested the Treasury Department and the IRS to clarify in the final regulations that the following additional activities are considered to be for the promotion of the general welfare: recovery from cultural or lifeway losses experienced due to non-Tribal policies, such as termination or forced relocation (as determined by the administering Tribe); the advancement of Tribal self-determination (as determined by the administering Tribe); and the promotion of individual and collective self-sufficiency (as determined by the administering Tribe). Some commenters requested the final regulations confirm

that Tribal general welfare benefits may include student loan debt repayment programs.

In response to these suggestions for clarification, the Treasury Department and the IRS reiterate the sole discretion standard is consistent with the deference required under section 2(c) of the Act. The examples in § 1.139E–1(d)(2) merely provide illustrative examples of benefits an Indian Tribal government may provide. Accordingly, the Treasury Department and the IRS affirm the types of programs described in the preceding paragraph are not contrary to the standard provided in § 1.139E–1(d)(2), if an Indian Tribal government has determined such benefit is for the promotion of the general welfare and the program satisfies the other requirements in section 139E.

2. Examples of Promotion of General Welfare

Proposed § 1.139E–1(d)(2)(ii) would provide non-exhaustive examples of programs that an Indian Tribal government may determine, in its sole discretion, distribute benefits that are for the promotion of the general welfare, as required under proposed § 1.139E–1(d)(2).

One commenter recommended additional clarification to proposed § 1.139E–1(d)(2)(ii) to make clear that the examples provided are not an exhaustive list of types of programs that would be for the promotion of general welfare. Other commenters pointed out a typographical error in proposed § 1.139E–1(d)(2)(ii)(B) and requested clarification on additional specific types of permissible program payments.

The Treasury Department and the IRS agree with commenters that the examples in proposed § 1.139E–1(d)(2)(ii) are intended to be non-exhaustive. The Treasury Department and the IRS clarify that the programs described in § 1.139E–1(d)(2)(ii) of these final regulations are a non-exhaustive list of examples of programs that an Indian Tribal government may determine are for the promotion of general welfare for purposes of section 139E. Thus, these regulations reaffirm that the Indian Tribal government has the sole discretion to determine what program benefits are for the promotion of general welfare of Tribal program participants.

In addition, the Treasury Department and the IRS have changed the language used in some of the examples in proposed § 1.139E–1(d)(2)(ii) to respond to comments. For example, § 1.139E–1(d)(2)(ii)(B) (education programs) corrects a typographical error in the

proposed regulations and includes textbooks as an example of school supplies. In response to comments, § 1.139E–1(d)(2)(ii)(D) (transportation programs) of these final regulations does not include the word “substantiated” before “mileage,” and lacks the language that would limit fares for public transportation to specific origins and destinations. In addition, § 1.139E–1(d)(2)(ii)(A) (housing programs) of these final regulations removes the reference to benefits that may not be used for any trade or business because of the changes provided in § 1.139E–1(d)(2) for business grants. See part IV.A.5. of this Summary of Comments and Explanation of Revisions. Finally, § 1.139E–1(d)(2)(ii)(G) of these final regulations (cultural and religious programs) removes the reference to section 168(j) as providing the definition of “Indian reservations.” These final regulations remove this reference because Indian reservations are subject to varying definitions under Federal law, and it is unnecessary to prescribe a definition in this rule. In sum, the changes to the language in § 1.139E–1(d)(2)(ii) are intended to remove limiting language that could be viewed by an Indian Tribal government as constraining its discretion to determine that program benefits are for the promotion of general welfare.

Some commenters requested that benefits or assistance provided after a Tribally declared disaster be included as an example of a promotion of general welfare purpose in proposed § 1.139E–1(d)(2). For example, an Indian Tribal government may declare a disaster that may not qualify as a Federally declared disaster. One commenter recommended clarifying that “assistance in an emergency” is intended to include events that are not otherwise qualified disasters.

The Treasury Department and the IRS have determined no changes are necessary in these final regulations to the language of proposed § 1.139E–1(d)(2) to include references to Tribally declared disasters. The Treasury Department and the IRS agree with commenters that benefits provided to Tribal program participants as a result of a Tribally declared disaster are benefits that would be described in § 1.139E–1(d)(2). However, a governmentally declared disaster is not a requirement of § 1.139E–1(d)(2). Indian Tribal governments have the sole discretion to determine whether a benefit is for the promotion of general welfare for purposes of section 139E. Section 1.139E–1(d)(2) broadly describes “assistance for disasters or other emergency situations” and does

not limit an Indian Tribal government's determination of what benefits are needed to be provided to Tribal program participants in the event of emergency situations. The Treasury Department and the IRS decline to include a reference to Tribally declared disasters because it may be viewed as a limitation on the types of disasters that could satisfy § 1.139E-1(d)(2).

3. Prizes and Awards

Many commenters requested clarification that section 139E can apply to prizes and awards provided pursuant to Indian Tribal government programs at powwows or similar ceremonial activities. Commenters argued that powwow prizes and awards constitute Tribal general welfare benefits because they are designed to encourage participation at ceremonial and cultural events and foster the exchange of Tribal culture and traditions. One commenter shared an example of a cultural event to promote cultural and traditional practices in which awards are given to only some of the dancers who are performing dances traditional to their Tribe. Similarly, the commenter provided an example of a Tribe holding a social event in which door prizes are provided to a few individuals in order to promote participation at social activities among Tribal members.

Some commenters explained that the IRS has, in the past, treated powwow prizes for cultural or ceremonial activities as taxable under section 74 of the Code. These commenters expressed concern that the IRS may continue to treat these payments as taxable prizes and awards under section 74.

The Treasury Department and the IRS agree with commenters that prizes and awards provided by an Indian Tribal government program as part of a cultural or ceremonial program or activity could be a Tribal general welfare benefit if the benefit otherwise satisfies section 139E and these regulations. These final regulations differ from proposed § 1.139E-1(d)(2)(ii)(G) by including examples of prizes or awards provided as part of cultural or ceremonial activities that an Indian Tribal government may determine are for the promotion of general welfare for purposes of section 139E. Specifically, the final regulations provide that an Indian Tribal government program may provide cash or property as a prize or award in connection with cultural, social, religious, or community activities, and such prize or award could be a Tribal general welfare benefit if it is determined by the Indian Tribal government to be for the promotion of

general welfare and the other requirements of section 139E and these regulations are otherwise satisfied.

In addition, § 1.139E-1(e)(2) provides that a prize or award that would otherwise be compensation for services may qualify for the exception in section 139E(c)(5) and § 1.139E-1(e) if the prize or award is provided as a benefit to, or on behalf of, a Tribal program participant for the Tribal program participant's participation in cultural or ceremonial activities for the transmission of Tribal culture. For example, if an Indian Tribal government program that supports cultural or ceremonial activities, including powwows, provides a prize or award to a Tribal program participant of such program who performs dances as part of a powwow, the prize or award would be a Tribal general welfare benefit if the other requirements of § 1.139E-1(d) are met.

4. Indian Tribal Government's Discretion To Provide Benefits in Equal Amounts

Proposed § 1.139E-1(d)(2)(i) would provide that an Indian Tribal government has sole discretion to determine whether a benefit is for the promotion of general welfare and that the IRS will defer to the Indian Tribal government's determination that a benefit is for the promotion of general welfare. Consistent with this approach, proposed § 1.139E-1(d)(2)(i) would provide that an Indian Tribal government program may provide Tribal general welfare benefits on a uniform or pro-rata basis to Tribal program participants.

One commenter urged clarification that an Indian Tribal government program may also provide benefits based on a schedule that authorizes unequal payment amounts based on reasonable criteria applicable to all qualifying Tribal members. For example, a program may provide different benefit amounts to larger families than smaller families.

The Treasury Department and the IRS decline to adopt the comments to change proposed § 1.139E-1(d)(2)(i) because the Treasury Department and the IRS have determined that the language of proposed § 1.139E-1(d)(2)(i) provides broad deference to an Indian Tribal government to determine whether a benefit is for the promotion of the general welfare for purposes section 139E and is given the discretion to determine whether benefits should be paid. In sum, proposed § 1.139E-1(d)(2)(i) provides flexibility to an Indian Tribal government to determine whether program benefits are best

allocated to Tribal program participants on an equal basis or in varying amounts. Because an Indian Tribal government has sole discretion to determine whether a benefit is for the promotion of general welfare for purposes of section 139E, a program that provides a benefit in an unequal amount, such as providing different benefit amounts to larger families than smaller families, would be permitted under proposed § 1.139E-1(d)(2)(i). Accordingly, proposed § 1.139E-1(d)(2)(i) is finalized without modification.

5. Economic Development Benefits

The proposed regulations would not address payments provided in connection with business ventures of Tribal program participants. Part V.B. of the Explanation of Provisions in the preamble to the proposed regulations stated that the administrative general welfare exclusion and Revenue Procedure 2014-35 generally do not apply to payments made to businesses. Similarly, the preamble to the proposed regulations stated that section 139E applies only to individuals and not businesses. However, the preamble to the proposed regulations stated that Revenue Ruling 77-77 (1977-1 C.B. 11) holds there is a limited exception to the rule that the administrative general welfare doctrine does not apply to businesses. Revenue Ruling 77-77 provides that a grant made by an Indian Tribal government to a Tribal member to expand an Indian-owned business on or near a reservation is excluded from the Tribal member's gross income under the administrative general welfare exclusion.

(a) Revenue Ruling 77-77

Many commenters disagreed with the characterization by the Treasury Department and the IRS of Revenue Ruling 77-77 as constituting a narrow exception to the administrative general welfare exclusion. Several commenters similarly disagreed with the assertion that the administrative general welfare exclusion does not apply to economic development assistance or payments to businesses, including sole proprietors, because such payments are not based on individual or family need. Many commenters also refer to other situations where the IRS has applied the administrative general welfare exclusion to Tribal general welfare benefits for the purpose of economic development assistance. See PLR 199924026 and COVID-19 FAQs on the IRS website at <https://www.irs.gov/newsroom/faqs-for-payments-by-indian-tribal-governments-and-alaska-native-corporations-to->

individuals-under-covid-relief-legislation.

The Treasury Department and the IRS have determined that the preamble to the proposed regulations accurately described the *administrative* general welfare exclusion (not section 139E) and its inapplicability to payments made to businesses. However, the Treasury Department and the IRS are aware that Revenue Ruling 77-77 and recent COVID-19 FAQs refer to the administrative general welfare exclusion applying to certain business grants made by an Indian Tribal government to expand an Indian-owned business on or near a reservation. The Treasury Department and the IRS have determined this guidance remains applicable when applying the administrative general welfare exclusion specific to Indian Tribal governments.

(b) Business Grants Under Section 139E

Commenters requested that the Treasury Department and the IRS specify that benefits provided by the Indian Tribal government to Tribal members to start, operate, develop, or expand businesses constitute Tribal general welfare benefits provided to promote the general welfare of the community. Commenters generally argued section 139E should be viewed broadly to include promotion of general welfare of individuals and needs of the Tribal community. Similarly, some commenters pointed to the Act to support this broad interpretation of section 139E. Commenters also argued such economic development promotes the general welfare of Tribes and their Tribal communities by promoting self-sufficiency in light of the difficulties faced by Tribes in generating revenue and attracting capital and businesses onto reservations, and Tribal goals of promoting stable employment and economic opportunities. Finally, commenters requested clarification on whether an Indian Tribal government program could provide benefits to encourage business activity on or near a reservation by providing Tribal-member-owned businesses with grants, interest-free or other below-market loans, or reimbursements for employment taxes.

Commenters also argued the scope of program eligibility for grants to businesses should not be limited to Tribal citizens. Rather, a commenter suggested that the Tribe should be able to provide general welfare benefits to any persons consistent with Tribal law. Similarly, commenters requested that the term “Indian-owned enterprise” should not be defined by the IRS.

The Treasury Department and the IRS have reconsidered the issue of Tribal general welfare payments made to Tribal program participants to support businesses and agree that it would be helpful to clarify in § 1.139E-1(d)(2) of these final regulations that an Indian Tribal government program may provide benefits to support, develop, operate, expand, or start certain trades or businesses. Consistent with the proposed regulations, § 1.139E-1(d)(2)(i) broadly provides that the Indian Tribal government has sole discretion to determine that a benefit is for the promotion of general welfare at the time it establishes the Indian Tribal government program. The Treasury Department and the IRS agree with commenters that section 2(c) of the Act provides broad deference to Indian Tribal governments for the Indian Tribal government programs administered and authorized by the Tribes to determine the general welfare programs that are provided in their communities.

The Treasury Department and the IRS agree with commenters that the term “Indian-owned enterprise” should not be defined in these regulations. Moreover, these regulations do not restrict Indian Tribal government programs to support or expand Indian-owned businesses on or near a reservation. Section 1.139E-1(d)(2) provides broad deference to Indian Tribal governments to determine whether benefits are for the promotion of general welfare.

However, section 139E is an exclusion from the gross income of individuals and therefore is limited to benefits provided to, or on behalf of, the individuals described in section 139E(b) and § 1.139E-1(b)(8). See discussion of Tribal program participant in part II.C. of this Summary of Comments and Explanation of Revisions. Accordingly, these final regulations provide that any Tribal general welfare benefit provided to support, develop, operate, expand, or start a trade or business must be provided to, or on behalf of, an individual that is a Tribal program participant. Thus, an Indian Tribal government program may not provide benefits under the program to an entity, regardless of whether it is owned by a Tribal program participant.

Similarly, the Treasury Department and the IRS have determined that the language “on behalf of” is not intended to apply to program benefits provided by an Indian Tribal government program to non-individuals, such as a business entity owned by a Tribal program participant. Rather, the Treasury Department and the IRS interpret the statutory language “on behalf of” to

address situations such as where an Indian Tribal government program pays rent directly to a landlord on behalf of a Tribal member tenant who operates a trade or business as a sole proprietorship.

The final regulations also provide an example of general welfare programs to support businesses. The Treasury Department and the IRS agree with commenters that program benefits to Tribal program participants, as individuals, in the form of non-reimbursable grants, interest-free or other below-market loans, or amounts paid to a Tribal program participant that are equivalent to the employment taxes imposed on the Tribal program participant as an employer, may qualify for section 139E.

In addition, the final regulations provide that section 7872 of the Code generally does not apply to a loan from an Indian Tribal government to a Tribal program participant pursuant to an Indian Tribal government program. The Treasury Department and the IRS believe that such loans are a class of transactions the interest arrangements of which have no significant effect on any Federal tax liability of the lender or the borrower. The Treasury Department and the IRS have expanded the proposed regulations by adding §§ 1.139E-1(d)(6) and 1.7872-5(b)(17) to these final regulations.

B. Benefits Cannot Be Lavish or Extravagant

Proposed § 1.139E-1(d)(4) would provide a facts and circumstances test to determine whether a Tribal program benefit is lavish or extravagant under section 139E. Relevant facts and circumstances include a Tribe’s culture and cultural practices, history, geographic area, traditions, resources, and economic conditions or factors. Proposed § 1.139E-1(d)(4) would also provide a presumption that a benefit is not lavish or extravagant if it is described in, and provided in accordance with, the written specified guidelines of the Indian Tribal government program.

1. Facts and Circumstances Standard

Some commenters expressed support for the general approach of a facts and circumstances test in proposed § 1.139E-1(d)(4). Commenters noted Tribal governments are uniquely qualified to assess what constitutes lavish or extravagant within their cultural and economic context, and factors such as geographic location, cost-of-living variations, and the cultural significance of certain expenditures are best understood by

Tribal leaders. Commenters noted that the proposed regulations would recognize Tribal sovereignty by considering a Tribe's cultural practices and economic condition and would be consistent with the Act's explicit mandate for deference to Indian Tribal governments.

Some commenters suggested changes to proposed § 1.139E–1(d)(4) to ensure that the enumerated factors for the facts and circumstances test are not treated as exhaustive factors. Also, commenters requested that the regulations provide Indian Tribal governments with the flexibility to adapt the definition of lavish or extravagant as economic and cultural conditions evolve. Moreover, some commenters requested that the determination of whether a benefit is lavish or extravagant be made at the time a program is implemented, authorized, or modified, rather than at the time a benefit is provided.

Other commenters recommended that the Treasury Department and the IRS defer entirely to Indian Tribal governments on whether a Tribal general welfare benefit is lavish or extravagant regardless of whether a program is in writing. These commenters expressed concern that the evaluation by the IRS of a Tribe's culture and cultural practices, history, geographic area, traditions, resources, and economic conditions or factors would result in an intrusion on an Indian Tribal government's sovereignty. Some commenters recommended express language in § 1.139E–1(d)(4) providing that the IRS will accept and defer to any attestations of the Indian Tribal government regarding the facts and circumstances at the time the benefit is provided. Another commenter stated that the lavish or extravagant standard in section 139E(c)(3) is offensive in the context of the commenter's Tribe's historical oppression at the hands of the Federal government and long-standing and severe poverty.

The test in proposed § 1.139E–1(d)(4) is intended to be a test that considers the totality of the facts and circumstances. Relevant facts and circumstances include a Tribe's culture and cultural practices, history, geographic area, traditions, resources, and economic conditions or factors. However, the Treasury Department and the IRS agree with commenters that an Indian Tribal government is uniquely qualified to evaluate its culture and cultural practices, history, geographic area, traditions, resources, and economic conditions and that deference should be provided to an Indian Tribal government's attestation of the facts and

circumstances at the time the benefit is provided to a Tribal program participant. Accordingly, newly renumbered § 1.139E–1(d)(4)(i) of the final regulations provides that the IRS will defer to an Indian Tribal government's attestations of facts and circumstances, regardless of whether the program is in writing, at the time the benefit is provided to the Tribal program participant. However, the deference provided in § 1.139E–1(d)(4)(i) to the Indian Tribal government's attestation of facts and circumstances does not preclude the IRS from determining that a benefit is lavish or extravagant under the Indian Tribal government's attestations of the facts and circumstances at the time the benefit was provided. In addition, while the IRS would respect the Indian Tribal government's attestations of fact and circumstances, the Treasury Department and the IRS are clarifying that the IRS may also consider facts and circumstances not included in the Indian Tribal government's attestations in ascertaining whether a benefit is lavish or extravagant.

The Treasury Department and the IRS continue to be of the view that the proper time to test whether a benefit is lavish or extravagant is at the time the benefit is provided. Section 139E and § 1.139E–1(a) provide that the gross income of the Tribal program participant does not include the value of any Tribal general welfare benefit provided during the year to or on behalf of the Tribal program participant. The value of the benefit, including for purposes of whether it is lavish or extravagant, is determined during the taxable year it is provided. The fact that the lavish or extravagant determination is made at the time the benefit is provided does not mean that facts and circumstances involving prior years, including facts and circumstances present at the time at which a program was implemented, authorized, or modified, cannot be taken into account in the determination made at the time the benefit is provided.

One commenter disagreed with the requirement that a benefit not be lavish or extravagant. However, section 139E(b)(2)(C) provides that a benefit, among other requirements, cannot be lavish or extravagant. Moreover, pursuant to section 139E(c)(3), the Treasury Department and the IRS consulted with TTAC regarding the lavish or extravagant standard under section 139E(b)(2)(C). Accordingly, these final regulations retain the requirement in § 1.139E–1(d)(4) that a benefit cannot be lavish or extravagant as required by law.

2. Presumption

Some commenters supported the addition of the presumption in proposed § 1.139E–1(d)(4) that a benefit is not lavish or extravagant if it is described in, and provided in accordance with, the written specified guidelines of the Indian Tribal government program. Some commenters noted that the presumption respects Tribal cultural practices and the various factors that inform a Tribe's general welfare program. These commenters mentioned that the presumption provides deference to Tribes, helps administrative flexibility, Tribal sovereignty, self-determination, and self-governance, which will enable Indian Tribal governments to maximize the benefit to the Tribe. Many commenters requested clarification on how the IRS would be able to rebut the presumption and what a written program should contain to benefit from the presumption.

Some commenters recommended the TTAC Report's approach to lavish or extravagant. The TTAC Report recommended that the term "lavish or extravagant" be defined as a relative term that depends on the unique circumstances of the Tribe, and also depends on the type of benefit being provided (such as, one-time payment or monthly assistance). The TTAC Report sets forth a non-exclusive list of circumstances that should be considered when determining if a benefit is lavish or extravagant: an Indian Tribal government's economic circumstances or factors, culture and cultural practices, history, geographic area, traditions, and resources. The TTAC Report recommends deference to Indian Tribal governments and proposes a rebuttable presumption that the benefit is not lavish or extravagant if the Indian Tribal government program meets general welfare needs or purposes, and the method of distribution is expected to achieve program goals.

Some commenters requested that the final regulations provide that a Tribe's attestation of the relevant facts and circumstances would meet any burden that may arise in connection with the presumption. These commenters stated that the IRS should not define facts and circumstances, including a Tribe's own culture, history, or tradition, in an attempt to rebut the presumption.

Some commenters requested that the frequency of payments under a program should be irrelevant in applying the presumption provided to written programs. Similarly, many commenters requested that the final regulations

provide a conclusive presumption that a benefit based on the facts and circumstances provided in proposed § 1.139E–1(d)(4) and administered in good faith is not lavish or extravagant. Commenters suggested that a conclusive presumption is a natural extension of the presumption provided in the proposed regulations.

The Treasury Department and the IRS decline to provide a conclusive presumption on the issue of whether a benefit is lavish or extravagant. However, the Treasury Department and the IRS have clarified the proposed regulations by providing in these final regulations that an Indian Tribal government program is afforded deference on the attestations of the facts and circumstances. This deference is afforded whether or not the specified guidelines are in writing. This deference is intended to reflect that the Tribe is in the best position to determine which factors and attestations of fact were considered when determining benefits. In particular the Tribe is in the best position to determine which facts and circumstances are specific to its culture and cultural practices, history, geographic area, traditions, resources, and economic conditions. Similarly, the presumption in the proposed regulations has been clarified. Newly renumbered § 1.139E–1(d)(4)(ii) clarifies that the presumption is based on the written specified guidelines of an Indian Tribal government program that exist at the time that the benefit is provided to the Tribal program participant. This change acknowledges that the specified guidelines in Indian Tribal government programs may be modified from time to time.

C. Benefits Cannot Be Compensation for Services

Section 139E(b)(2)(D) provides that benefits provided under a Tribal general welfare benefit paid under an Indian Tribal government program cannot be compensation for services, subject to exceptions discussed in part V of this Summary of Comments and Explanation of Revisions. Proposed § 1.139E–1(d)(5) would provide a reference to section 61(a) of the Code to define compensation for services and is intended to include existing law and guidance under section 61.

Several commenters argued the broad reliance on section 61 to define compensation for services lacks practical clarity for Tribal situations. Some commenters also recommended that the final regulations include the recommendations of the TTAC Report, which provide specific examples of activities that should be excluded from

compensation for services. For example, the TTAC Report refers to the following as not compensation for services: (1) a benefit in connection with Tribal custom or tradition regarding community service; (2) cultural or ceremonial gifts and payments as determined by the Tribe; and (3) payments as part of training programs.

Many commenters stated that the proposed regulations lack clarity on work-training programs, and some commenters expressed concern that meaningful input from Tribes and the TTAC on this issue was not incorporated into the rules. Some commenters noted that Indian Tribal governments often consider work-training payments to participants as honorarium payments to assist their Tribal community.

One commenter requested clarity on whether support of educational and Native-language recovery is considered practical work-training and not compensation for services. The commenter noted that the IRS has previously determined this activity does not constitute compensation for services.

Some commenters argued that the final regulations should clarify that “benefits provided for cultural or ceremonial purposes, as explicitly allowed under section 139E, are not compensation for services.” Several commenters also requested clarification that community service requirements will not be compensation for services because the programs are designed to foster kinship and encourage community involvement. Another commenter requested that the final regulations provide clarification that benefits provided with legitimate service ties for Tribal culture and tradition are not compensation for services. The commenter gave examples of payments (i) for neighborhood cleanup costs, (ii) for teaching the Tribal language, and (iii) to Tribal youths to cut and gather wood for elders.

One commenter argued that section 139E(b)(2)(D) is intended to prevent potential abuse by converting employee wages and vendor payments into tax-free remuneration. The commenter also requested that an Indian Tribal government be able to use a facts and circumstances test to show the benefits provided under its program are consistent with the intent of section 139E in order to rebut any interpretation by the IRS that a payment is compensation for services.

The Treasury Department and the IRS continue to be of the view that the term “compensation for services” in section 139E(b)(2)(D) is appropriately defined

by reference to section 61, which generally defines “gross income” for purposes of subtitle A of the Code. Section 139E(a) provides an exclusion from gross income for the value of any Indian general welfare benefit. The Treasury Department and the IRS have determined that the general definition of gross income under section 61 is the starting point to ascertain the exclusion under section 139E. In addition, the Treasury Department and the IRS affirm that the term “compensation for services” in section 61(a)(1) is broader than services that are traditionally provided under an employment or contracted-vendor relationship. Section 1.61–2(a)(1) provides that compensation for services includes amounts that are not paid in an employment or contracted-vendor relationship.

However, the Treasury Department and the IRS are aware of the need for clarity on benefits provided that relate to cultural or ceremonial activities. For example, commenters referred to certain program benefits for community service, language preservation, and work training that are provided as part of cultural or ceremonial activities. The Treasury Department and the IRS have determined that to the extent that these specific situations constitute compensation for services, they are better addressed within the exclusion under section 139E(c)(5) and § 1.139E–1(e) for activities relating to cultural or ceremonial activities.

These final regulations do not provide a facts and circumstances test to rebut an interpretation by the IRS that a payment is compensation for services. The Treasury Department and the IRS have concluded that whether a payment constitutes compensation for services is generally determined using existing guidance, and examination of all the facts. Moreover, the Treasury Department and the IRS also affirm that section 139E(c)(5) and § 1.139E–1(e) are an exception to the general prohibition that prevents treating compensation for services as Tribal general welfare benefits. Facts may be presented to support the argument that the payment is not compensation for services under section 139E(b)(2)(D) or to support the payment is subject to the exception to compensation for services under section 139E(c)(5).

V. Exception to Prohibition on Compensation for Services

Proposed § 1.139E–1(e) would provide that a benefit is not compensation for services if the benefit is provided to a Tribal program participant for the Tribal program participant's participation in cultural or

ceremonial activities for the transmission of Tribal culture as determined by the Indian Tribal government, and such benefit consists of an item of cultural significance, reimbursement of costs, or cash honorarium. Proposed § 1.139E–1(e)(1)(i) would provide a non-exhaustive list of examples of cultural or ceremonial activities, including powwows, rite of passage ceremonies, funerals, wakes, burials, other bereavement events, and honoring events. Proposed § 1.139E–1(e)(2) also would provide that, in general, an Indian Tribal government has sole discretion to determine whether a benefit consists of an item of cultural significance and whether an activity is a cultural or ceremonial activity, and the IRS will defer to this determination. However, proposed § 1.139E–1(e)(2) would further provide that cash, gift cards, and vehicles generally are not considered items of cultural significance.

A. In General

Commenters generally expressed support for the deference provided to Tribal determinations in proposed § 1.139E–1(e) regarding cultural and ceremonial activities. These commenters noted the deference provided to Tribes supports Tribal self-determination and administrative flexibility and provides clarity regarding cultural and ceremonial activities. Other commenters expressed support for the exclusion of items of cultural significance, cash honoraria, and “ceremonial costs,” consistent with section 139E(c)(5). Commenters supported the omission of the “de minimis” limitation on cash honorarium payments that was present in Revenue Procedure 2014–35. One commenter recommended finalizing proposed § 1.139E–1(e) regardless of how the final regulations address the “lavish or extravagant” standard. One commenter was critical of the use of the terms “shamans, medicine men, or medicine women,” in the preamble to the proposed regulations, and further described the regulation as mischaracterizing Tribal culture by confining it to the 18th and 19th century.

Similarly, some commenters requested clarification on specific benefits provided in connection with participation in cultural or ceremonial activities that may not be clearly described in proposed § 1.139E–1(e). For example, commenters mentioned efforts to recover, preserve, and promote (among Tribal members) cultural practices, resources, or historic

languages, efforts to teach Native languages, and efforts to create, recover, protect, and preserve cultural places or spaces. Another commenter suggested that the final regulations provide clarity that honoraria given to Tribal members who assist with setting up before or closing after a cultural or ceremonial event are included in activities described in proposed § 1.139E–1(e). One commenter pointed out that cultural activities, such as singing songs, are not recognized as such by the IRS. As discussed in part IV.C. of this Summary of Comments and Explanation of Revisions, some commenters requested that certain benefits that have the legitimate purpose of promoting Tribal culture and tradition, such as community service or work-training programs that are connected to Tribal culture and tradition, should not be compensation for services.

One commenter urged that IRS agents not be able to second guess Tribal culture or traditions, and that IRS agents should be restricted from issuing requests for documents, including books and records relating to Tribal culture and traditions.

Section 1.139E–1(e) provides that Indian Tribal governments are in the best position to determine what it means to participate in cultural or ceremonial activities for the transmission of Tribal culture. Thus, under § 1.139E–1(e), Indian Tribal governments determine what it means to participate in cultural or ceremonial activities for the transmission of Tribal culture. The IRS would defer to determinations by the Indian Tribal government that activities undertaken in connection with a cultural or ceremonial activity, as determined by the Indian Tribal government, constitute participation in that cultural or ceremonial activity.

Section 1.139E–1(e) of the final regulations includes additional, non-exhaustive examples of cultural or ceremonial activities. In general, the Treasury Department and the IRS have determined that benefits provided to Tribal program participants for community service or work-training programs connected to Tribal culture and tradition would be activities described in § 1.139E–1(e). Accordingly, the additional examples of cultural or ceremonial activities in § 1.139E–1(e)(1)(i) of these final regulations include: Tribal community service events, such as neighborhood clean-ups or youth woodcutting programs to benefit elders; participation in training in traditional construction techniques; and Tribal language education.

As noted previously, one commenter expressed the view that the preamble to the proposed regulations used inappropriate terminology to describe Tribal cultural or ceremonial activities, and otherwise mischaracterized Tribal culture. The Treasury Department and the IRS affirm that there was no intention in drafting the proposed regulations to express any characterizations or generalizations regarding the culture and traditions of any Tribe or Tribes. The terminology in the proposed regulations was included in the context of a quotation from the provision of Revenue Procedure 2014–35 that excepts certain culturally significant payments from being treated as compensation for services but limits such exception to benefits received by certain religious or spiritual officials or leaders. The quotation was included in order to clarify that the proposed regulation would not contain a comparable limitation on the scope of section 139E(c)(5), and these final regulations similarly contain no such limitation.

These final regulations are intended to provide broad deference to Indian Tribal governments. To that end, the Treasury Department and the IRS affirm that the IRS will defer to an Indian Tribal government’s determinations of whether an activity is a cultural or ceremonial activity for the transmission of Tribal culture, and to the definitions of whether an item is an item of cultural significance.

B. Employment or Contracted-Vendor Relationship

Some commenters expressed confusion regarding the discussion of employment or contracted vendor relationships in part IV.A. of the Explanation of Provisions in the preamble to the proposed regulations. The discussion included examples illustrating that payments to corporations owned by Tribal members for services provided during cultural or ceremonial activities are not excluded under section 139E, but payments made directly to the Tribal members for such services would be excludible under section 139E. These commenters requested clarification that an Indian Tribal government’s formal agreement, such as a contract, with persons participating in cultural or ceremonial activities, such as with spiritual leaders, and fluent Native speakers would not prevent the application of proposed § 1.139E–1(e). In addition, one commenter recommended that the regulations provide that section 139E applies to payments made in connection with participation in cultural or

ceremonial activities to a pass-through entity that is wholly owned by a Tribal member.

Several commenters requested clarity on the taxability of payments made from a Tribe to its members for volunteer services that these members normally provide professionally. Some commenters argued that services provided during cultural or ceremonial gatherings should be excluded under section 139E(c)(5) even though the Tribal member may separately provide similar services in a professional capacity for compensation. Finally, one commenter recommended that activities of an advisory group also be considered a cultural activity because some Tribal cultures use these groups to distribute Tribal decision-making power.

The mere existence of a contract between a Tribal program participant and an Indian Tribal government does not prevent the application of § 1.139E-1(e). For example, a program benefit provided to a spiritual leader to perform a blessing at a ceremonial or cultural activity of the Tribe may qualify under § 1.139E-1(e) if paid directly to the spiritual leader even without regard to whether the spiritual leader had a verbal or written agreement with the Indian Tribal government to perform such services.

However, the Treasury Department and the IRS continue to be of the view that the exception in section 139E(c)(5) does not broadly apply to services that are traditionally provided in an employment or contracted-vendor relationship because section 139E is an exclusion from gross income for individuals and families. However, in response to comments, the Treasury Department and the IRS clarify that the example in part IV.A. of the Explanation of Provisions in the preamble to the proposed regulations was not intended to suggest that an individual who owns a catering business is unable to receive a cash honorarium in the individual's capacity as an individual when volunteering to assist in food preparation for a cultural or ceremonial activity of the Tribe. However, the exception in section 139E(c)(5) would not apply if the individual's catering corporation received compensation in exchange for providing services to the Tribe for a cultural or ceremonial activity of the Tribe.

VI. Examples

A. New Examples

The Treasury Department and the IRS requested comments on whether additional examples should be included in the final regulations, and if so, what

specific fact patterns or rules should be addressed by the additional examples. In general, comments were mixed on this issue.

Many commenters favored additional examples but did not want examples to have the unintended effect of limiting the rules or the deference provided to Indian Tribal governments or their programs. Most commenters requested that the regulations clearly confirm that examples do not limit or curtail Tribal flexibility to design Indian Tribal government programs, and many commenters suggest adding "without limitation" in all examples or stating that the examples are neither exclusive nor exhaustive. Some commenters requested that any new examples be discussed with the TTAC.

Conversely, many commenters recommended no new examples be added to the final regulations. Some commenters were concerned that additional examples could be viewed as setting limits on Tribal general welfare benefits and may not be viewed as an illustration of possible benefits.

Some commenters requested new examples in specific areas. For example, one commenter recommended that new examples would be helpful for rules that do not explicitly provide deference to Indian Tribal governments. A few commenters requested examples relating to the rules for lavish or extravagant, such as: how the facts-and-circumstances test applies particularly in relation to different geographical or economic areas (such as high-cost or low-cost areas); how the presumption could be rebutted by IRS; and examples of how "level" cash benefits interact with the "promotion of the general welfare" standard. One commenter requested an example on the interactions of a general welfare benefit under section 139E with other Federal benefits programs, such as Supplemental Security Income (SSI) and Medicaid. Finally, this commenter also requested an example on general welfare payments distributed from a trust on a pro-rata basis.

In general, the Treasury Department and the IRS have concluded it would be best to refrain from adding many new examples to these final regulations, and have added new examples only after consulting with the TTAC GWE Subcommittee. Specifically, after careful consideration, the Treasury Department and the IRS decline to add examples regarding the lavish or extravagant rules because examples may create a negative inference that limits an Indian Tribal government program. The test to determine whether a benefit is lavish or extravagant depends on the facts and

circumstances, some of which are factors that would be specific to a Tribe. Finally, the Treasury Department and the IRS also decline to add an example to describe the interaction of Tribal general welfare benefits and SSI or Medicaid benefits because the definition of income for SSI or Medicaid benefits is outside the scope of these regulations.

B. Existing Examples

Some commenters observed that the examples in proposed § 1.139E-1(d)(2)(ii) are directly from Revenue Procedure 2014-35. These commenters recommended refining these examples to help guide Tribal governments and the IRS. In addition, several commenters recommended using consistent language when referring to the examples not being an exhaustive list. For instance, commenters suggested using the words "including but not limited to" to denote the example is a non-exhaustive list.

The Treasury Department and the IRS have revised the examples in these final regulations to clarify that they are not intended to be exhaustive, and to make clear that items following the word "including" are similarly not intended to be exhaustive. The examples in § 1.139E-1(d)(2)(ii) of these final regulations have also been revised to assist with readability.

VII. Obsolescence of Revenue Procedure 2014-35

The Treasury Department and the IRS proposed to obsolete Revenue Procedure 2014-35 after the final regulations are applicable. Comments were requested on whether the revenue procedure should be obsoleted when the final regulations become applicable, and if not, why there is a continuing need for it after the publication of final regulations.

Most commenters argued that Revenue Procedure 2014-35 is outdated and should be obsoleted when the final regulations are applicable. Some commenters noted confusion may occur if the revenue procedure is retained because some provisions of Revenue Procedure 2014-35 conflict with the Act. In particular, one commenter noted there is no need for safe harbors if Indian Tribal governments are provided broad deference and the IRS defers to Tribal determinations under the proposed regulations. Similarly, other commenters argued that the Act, section 139E, and the proposed regulations are more flexible and provide more comprehensive guidance to Indian Tribal governments than the revenue procedure. Commenters also argued that the safe harbors are no longer needed because section 139E and the proposed

regulations, unlike the administrative general welfare exclusion, do not require a showing of individual need. However, these commenters recommended a transition period to allow continued use of the revenue procedure for at least one year after the final regulations are applicable in order to give Indian Tribal governments time to comply with the final regulations.

Similarly, a few commenters noted that some Federal agencies interpret the revenue procedure's safe harbors narrowly to the detriment of benefit recipients who rely on Federal assistance. Another commenter supported obsolescence of Revenue Procedure 2014–35 but detailed the challenges the commenter has experienced with the Social Security Administration and requested that the Treasury Department confirm that Tribal general welfare benefits are needs-based assistance for purposes of eligibility standards under Social Security Administration programs.

One commenter argued that the Treasury Department and the IRS should not obsolete Revenue Procedure 2014–35 so that it remains as fallback guidance in case the final regulations are ever invalidated by a court or otherwise scaled back. Another commenter requested that language be added to the final regulations that, in addition to section 139E and these final regulations, provide that the administrative general welfare exclusion may also be available to exclude an amount from gross income.

Revenue Procedure 2014–35 will become obsolete for taxable years beginning on or after January 1, 2027, the applicability date of the final regulations, which will provide Indian Tribal governments with additional transition time to adjust or update their programs. See the “Effect on Other Documents” section of this preamble. The Treasury Department and the IRS agree with commenters that it would be confusing to retain the revenue procedure because these final regulations are intended to be broader than the needs-based safe harbors provided in the revenue procedure. The Treasury Department and the IRS also affirm that section 139E and these regulations do not supplant the administrative general welfare exclusion.

However, the Treasury Department and the IRS disagree that Tribal general welfare benefits are always needs-based assistance. Section 1.139E–1(d)(2)(i) expressly provides that Tribal general welfare benefits may be provided without regard to financial or other need of Tribal program participants.

Nevertheless, an Indian Tribal government has broad discretion to establish and administer Indian Tribal government programs and may choose to limit a program or its benefits to Tribal program participants based on a showing of individual need.

VIII. Audit Suspension and Administration

The responses of the Treasury Department and the IRS to the comments discussed in parts VIII.A. and VIII.B. of this Summary of Comments and Explanation of Revisions are set forth in part VIII.C. of this Summary of Comments and Explanation of Revisions.

A. Audit Suspension and the Education and Training Requirement

Section 4 of the Act provides a temporary suspension of audits and examinations of Indian Tribal governments and Tribal members (or any spouse or dependent of such member) to the extent that the audit or examination relates to the exclusion of a payment or benefit from an Indian Tribal government under the general welfare exclusion until the education and training prescribed by section 3(b)(2) of the Act is completed. Section 3(b)(2) of the Act directs the Secretary of the Treasury, in consultation with the TTAC, to establish and require (A) training and education or internal revenue field agents who administer and enforce internal revenue laws with respect to Tribes on Federal Indian law and the Federal Government's unique legal treaty and trust relationship with Indian Tribal governments, and (B) training of such internal revenue field agents, and provision of training and technical assistance to Tribal financial officers, about implementation of the Act and the amendments made thereby.

Many commenters noted that section 4 of the Act expressly provides that the lifting of audit suspension is contingent on the completion of education and training. Many commenters requested that meaningful coordination and consultation with the TTAC occur on the education and training. Several commenters requested that the Treasury Department and the IRS use the same TTAC and Tribal consultation and coordination process to satisfy the required education and training as was used for the development of the regulations. Some of these commenters noted that consultation with the TTAC ensures that training and education materials will be drafted to focus on both the substantive rules and the sovereignty principles underlying these regulations.

Several commenters outlined a specific process for developing a training program under section 3 of the Act, which they urged the Treasury Department to adopt. Under their recommendation, the process would begin with a report prepared by the TTAC in coordination with Tribes that would be formally presented to the Treasury Department. The Treasury Department and the IRS would then work with the TTAC or an appropriate TTAC subcommittee to develop a Treasury Department and IRS proposal for the education and training program which would be the subject of Tribal consultation. The Treasury Department and the IRS would then review the comments from the Tribes and publish proposed and final regulations describing the training program, following the same process used in issuing these final regulations.

Commenters also provided general recommendations for what should be included in the required training and education of internal revenue field agents and Tribal financial officers. Some commenters requested that the training materials be made publicly available and that internal revenue field agents receive training on such topics as how to defer to Tribal determinations on whether an item is a Tribal general welfare benefit, a Tribe's customs and programmatic guidelines, and that examples in the regulations are not exclusive examples.

Some commenters also requested that the final guidance and training materials require IRS agents to consult with the IRS Office of Indian Tribal Governments on audits involving general welfare issues due to that office's expertise with the Federal trust and treaty relationships with Federally recognized Tribes. Some commenters recommended in-person trainings for all individuals required to complete the Act's education and training requirements to foster a better understanding of the materials on Federal Indian law and Tribal-specific issues. Other commenters requested in-person audit training with Tribal representatives because not all Tribes have access to virtual training, or do not attend national or regional Tribal conferences. Another commenter requested that any IRS training manual require the IRS to consult with a Tribe during an audit and to focus on program compliance by allowing for a program to be amended rather than focusing on imposing penalties.

Commenters noted that the statutory language of section 3(b) of the Act describing the categories of persons covered by the audit suspension is

narrower than the definition of Tribal program participant in the proposed regulations. Some commenters requested the audit suspension apply to any individual eligible for the exclusion of benefits under the proposed regulations. Commenters noted a lack of parity puts families of Tribal members at risk of audit. One commenter provided a personal experience in which the audit suspension was not applied to an individual's Tribally-recognized spouse who would qualify as a Tribal Program participant under the proposed regulations. Another commenter asserted that the IRS should seek input from the Tribal government that provided a general welfare benefit before penalizing an individual recipient. One commenter requested the audit suspension be extended to Alaska Native regional or village corporations.

B. Transition Relief

In the Comments and Public Hearing section of the preamble to the proposed regulations, the Treasury Department and the IRS requested comments on whether Tribes would need time to transition existing general welfare programs to satisfy the proposed regulations before the regulations are finalized. In addition, if transition relief would be helpful, comments were also requested on the nature of the transition relief needed and any recommendations as to what relief would be helpful to Indian Tribal governments.

Many commenters favored transition relief to allow Indian Tribal governments to adopt changes to their programs after the final regulations are applicable. Commenters noted that program changes may require extensive time to implement due to changes to Tribal ordinances, and RAPs under IGRA. Commenters also noted that Tribal members and Tribal staff need training and education on program changes before such changes are implemented. One commenter requested transition relief due to the legal and financial costs associated with transitioning to a new policy.

Some commenters supported the TTAC proposal of a minimum one-year transition period after the required training and education under section 3(b) of the Act is complete. Many commenters requested specific language be added to proposed § 1.139E-1(f) providing that no audits or examinations will begin prior to one year after the effective date of the regulations. Other commenters stated that a one-year transition period is a reasonable starting point but recommended that a transition period for changes to Tribal programs be

provided through the end of the calendar year beginning after the final regulations are issued and education and training requirements under section 3(b) of the Act are complete. Many commenters requested relief extending the transition period on a case-by-case basis for Tribes that have initiated Tribal approval processes in a timely manner but where the Tribe cannot reasonably complete such processes within the one-year period, as well as for delays in approvals for changes to a RAP.

Another commenter requested that transition relief be provided that allows an Indian Tribal government program that is in effect during the period between the effective date of the Act and the effective date of the final regulations, and that qualifies as an Indian Tribal government program under the final regulations, be treated as satisfying the requirements of the Act. The commenter also requested that a Tribal government program adopted in good faith based on a reasonable interpretation of the Act be treated as satisfying the requirements of the Act if such program is adopted between the effective date of the Act and the effective date of the final regulations. The commenter noted that this transitional approach was taken in Notice 2006-89 (2006-43 I.R.B. 772).

Some commenters requested the regulations provide that for the first year in which audits are performed, they be conducted solely for the purpose of helping Tribes comply with the final regulations. These commenters explained that this would help focus on educating Tribes about requirements for Indian Tribal government programs and Tribal general welfare benefits, in order to support compliance rather than impose penalties.

Most commenters recommended that audits and examinations be prospective and described it as unfair to audit Tribes and Tribal members retroactively in taxable years for which there were no clear rules. Commenters requested that IRS audit and examination efforts focus on future compliance rather than penalizing past actions and urged that audits should apply only to programs and actions implemented after the regulations are finalized. Commenters argued the Act was enacted as a result of excessive IRS audits which stifled Tribes' ability to provide assistance to Tribal members. Some commenters also requested that the Treasury Department and the IRS provide formal notice providing a transition period and when audits and examinations will resume.

C. Treasury Department and IRS Response

Pursuant to section 4(a) of the Act, the suspension of audits and examinations of Indian Tribal governments and members of Tribes (or any spouse or dependent of such a member) by the IRS relating to the exclusion of a payment or benefit from an Indian Tribal government under the general welfare exclusion will be lifted once the education and training required by section 3(b)(2) of the Act is completed. As also provided by section 4(a) of the Act, the running of any period of limitations under section 6501 with respect to Indian Tribal governments and members of Tribes is also suspended until the education and training required by section 3(b)(2) of the Act is completed.

The Treasury Department and the IRS expect to begin development of education and training materials in consultation with Tribes and the TTAC soon after the effective date of this Treasury decision.

The Treasury Department and the IRS agree with the TTAC, Tribal leaders, and commenters generally that it would be in the interest of sound tax administration for IRS audits and examinations (see sections 7602 and 7605 of the Code) of issues under section 139E and these final regulations to be prospective in nature. In addition, the Treasury Department and the IRS agree with the TTAC, Tribal leaders, and commenters generally that it would be counterproductive for IRS audit and examinations of issues under section 139E and these final regulations to apply to taxable years for which there was no guidance interpreting section 139E. The Treasury Department and the IRS also agree that during the period beginning after the effective date of this Treasury decision and while the education and training required by section 3(b)(2) of the Act is ongoing, it would be most productive to allow Indian Tribal governments time to adopt changes to the general welfare programs they administer such that the programs comply with these final regulations. In addition, until such education and training are complete, the Treasury Department and the IRS intend to apply the temporary suspension of audits and examinations to Indian Tribal governments and Tribal program participants as defined in the final regulations, which, based on the comments received, is not limited to the individuals described in section 4(a) of the Act. However, the IRS may inquire as to whether a taxpayer qualifies for the audit suspension. For example, the IRS

may ask questions to determine whether an individual is a Tribal program participant. Accordingly, § 1.139E–1(g) also provides for the ability of the IRS to inquire into a taxpayer's eligibility for the audit suspension.

Accordingly, the Treasury Department and the IRS have determined that although these final regulations will be effective after December 16, 2025, the rules of § 1.139E–1 will not be applicable to any taxable years of Tribal program participants that begin before January 1, 2027. Once the education and training required by section 3(b)(2) of the Act is complete, the Treasury Department and the IRS will publish a formal notice that the required education and training has been completed at least 30 days in advance of lifting the suspension of audits and examinations. The tolling of the period of limitations under section 6501 pursuant to section 4(a) of the Act will also end once the suspension of audits and examinations is lifted. However, in the interest of sound tax administration, once the suspension of audits and examination is lifted, the IRS does not intend to open audits or examinations (except in certain circumstances such as, for example, in the case of fraud) with respect to the exclusion of a payment or benefit under section 139E for taxable years ending before December 16, 2025.

In addition, once the suspension of audits and examinations is lifted, the IRS will apply section 139E to taxable years ending on or after December 16, 2025, and beginning before January 1, 2027, by taking into account the good faith efforts of an Indian Tribal government or Tribal program participant to comply with the requirements of section 139E in advance of the January 1, 2027, applicability date of § 1.139E–1. Indian Tribal governments may also choose to apply the provisions of § 1.139E–1, in their entirety, for benefits provided to Tribal program participants in taxable years that begin before January 1, 2027. In addition, Indian Tribal governments may continue to apply Revenue Procedure 2014–35 for benefits provided to Tribal program participants in taxable years that begin before January 1, 2027, as Indian Tribal governments transition any programs to comply with the final regulations in advance of January 1, 2027. However, once the final regulations become applicable for taxable years beginning on or after January 1, 2027, Revenue Procedure 2014–35 will become obsolete, and no person may rely on Revenue Procedure 2014–35 for any

taxable year beginning on or after January 1, 2027.

Finally, the Treasury Department and the IRS remind Indian Tribal governments and administrators of Indian Tribal government programs that satisfy the requirements of § 1.139E–1(d) that no amount of any Tribal general welfare benefit satisfying the requirements of § 1.139E–1(d) that is provided by such an Indian Tribal government program to a Tribal program participant (as defined in § 1.139E–1(b)(8)) should be reported on any information return (for example, Form 1099–MISC, Miscellaneous Information) or statement otherwise required to be filed with the IRS or furnished to an individual under the Code. If a Tribal program participant believes that he or she has received an information return in error, the Tribal program participant should contact the issuer for a corrected information return.

With regard to the comments on the audit suspension program and the education and training, the Treasury Department and the IRS confirm that the audit suspension described in section 4(a) of the Act continues until all the requirements of section 3(b)(2) of the Act are satisfied. Once these final regulations under section 139E are published in the **Federal Register**, the Treasury Department and the IRS, in consultation with Tribes and the TTAC, will develop the training curriculum and conduct the required education and training under section 3(b)(2) of the Act. Only after that required education and training is complete will the audit suspension be lifted.

The Treasury Department and the IRS intend to work closely with the TTAC and consult with the TTAC GWE Subcommittee in designing and preparing the training and education program required under section 3(b)(2) of the Act. However, the Treasury Department and the IRS have determined that a notice and comment period similar to that used for regulations is not required by section 3 of the Act and would delay the implementation of these final regulations for Tribal officers and IRS agents. The Treasury Department and the IRS are aware of Executive Order 13175 and intend to hold consultations with Tribal leaders on training and education programs.

The Treasury Department and the IRS decline to adopt the recommendations in the comments related to what the required education and training may provide because the specifics of this education and training are outside the scope of these regulations. As noted in the preamble to the proposed

regulations, these regulations “do not address the education and training that will be required to be complete before the audit suspension is lifted.” The Treasury Department and the IRS will continue to consult with the TTAC as required under section 3(b)(2) of the Act.

IX. Other Issues

A. Coordination With Other Federal Agencies/Social Welfare Programs

Several commenters expressed concern that Tribal general welfare benefits are considered in income-based eligibility determinations for Federal assistance programs administered by other agencies, such as the Social Security Administration for Medicaid, Department of Agriculture, Housing and Urban Development, and the Department of Veteran Affairs. Most commenters requested that the Treasury Department and the IRS engage with other Federal agencies to address this issue and ensure that benefits excluded under section 139E do not affect eligibility for other Federal assistance programs. This issue is important to Tribes because it results in hardships for vulnerable Tribal citizens. Some of these commenters recommended that the Treasury Department and the IRS collaborate with the TTAC on the issue of the interaction of Tribal general welfare benefits under section 139E and eligibility requirements for other Federal assistance programs. Several commenters noted that other Federal programs should consider the Tribal canon of construction when determining eligibility based on income.

The Treasury Department and the IRS have authority to interpret and provide rules under section 139E to determine whether a benefit is excludible from gross income for Federal income tax purposes. However, the issue of whether a Tribal general welfare benefit is taken into account for purposes of other Federal benefit programs administered by other Federal agencies is outside the authority of the Treasury Department and the IRS. As such, these final regulations do not provide guidance on the treatment of Tribal general welfare benefits outside of the Internal Revenue Code (26 U.S.C. *et seq.*). The Treasury Department and the IRS understand the importance of this issue for Tribes and will continue to work with the TTAC and Tribes to confer with other Federal agencies to provide advice on how the Federal tax law applies to Tribal general welfare benefits.

B. Advance Rulings

Some commenters requested an advance ruling process be established by the IRS for Tribes to have access to an optional advance ruling program or procedures to address program design and compliance issues not directly or fully answered in the final regulations.

The Treasury Department and the IRS appreciate that Tribes want certainty on the Indian Tribal government programs to ensure the programs comply with section 139E and these final regulations. However, these final regulations do not provide a new advance ruling process for Tribes to request review of the general welfare programs for the reasons discussed below.

The IRS has a general process already in place for entities and individuals to request a letter ruling on the tax treatment of a particular transaction or program. If an Indian Tribal government receives a letter ruling from the IRS, the ruling generally is binding on the IRS. However, a letter ruling would address the Federal tax law and would not be binding in any way on other Federal or State agencies. The IRS expects the letter ruling process to be available to Indian Tribal governments after the final regulations are effective (that is, after December 16, 2025).

In addition, section 3(b)(2) of the Act requires the Treasury Department, in consultation with the TTAC, to establish training and education, with specific requirements to provide assistance to Tribal financial officers on the implementation of section 139E. The Treasury Department and the IRS expect such training and education to support Tribes in understanding the flexibility and deference provided to Indian Tribal governments in developing general welfare programs to satisfy the program and benefit requirements of section 139E and these final regulations. Moreover, the IRS Office of Indian Tribal Governments is also a resource for informal advice on issues that affect Indian Tribal governments.

C. Appeal Process

Some commenters requested an appeals process be provided to Tribes and Tribal members to appeal IRS field agent decisions to a team of Tribal specialists at the top of the IRS structure without waiving existing legal rights. These commenters asserted that such an appeals process would acknowledge the unique Tribal relationship with the Federal government and would help Tribes and their Tribal members avoid litigation expenses. These commenters requested that Tribal court decisions be given full faith and credit by the IRS.

The Treasury Department and the IRS do not include a separate appeals process in these final regulations because it is outside the scope of section 139E. The IRS expects that the existing appeals processes in place for entities and individuals to request the review of Federal income tax controversies would apply, including through the Independent Office of Appeals (Appeals). The IRS expects that the required education and training under section 3(b)(2) of the Act will also help IRS field agents and Tribal financial officers understand the requirements of these final regulations and the unique government-to-government relationship with the Federal government.

D. Section 139D

In part III.A.4. of the Explanation of Provisions in the preamble to the proposed regulations, the Treasury Department and the IRS discussed wellness and health-related programs and explained that section 139D of the Code and section 139E are independent provisions, and that section 139D does not limit the application of section 139E. The preamble discussed qualified Indian health care benefits generally and provided an example of medical care under section 213(d) of the Code. Moreover, the example described certain wellness and health-related programs, as well as care by an unlicensed spouse or relative, that are not considered medical care under section 213(d), and concludes these are not excludible under section 139D.

Commenters expressed concern that the Treasury Department and the IRS's description of section 139D in the proposed regulations is inaccurate and too narrow. Commenters requested that the Treasury Department and the IRS revise the description of section 139D to accurately reflect the exclusion from gross income for qualified Indian health care benefits. Several commenters stated that Tribes provide more than medical care under their Indian Self Determination and Education Assistance Act (ISDEAA) agreements and in the health coverage they purchase and/or provide to their members. The commenters further explained that Tribes routinely provide general health, wellness, and other preventative and health promotion services to their members through the community health representative programs, home and community-based services, community health education, and other services.

The Treasury Department and the IRS agree with commenters that the description of section 139D in the proposed regulations was too narrow

and inaccurate in describing a qualified Indian health care benefit. The Treasury Department and the IRS intended for the discussion in the proposed regulations to explain that section 139E applies to a benefit independent of section 139D such that a benefit from certain wellness and health-related programs may qualify for exclusion from gross income under section 139E whether or not it also qualifies for exclusion from gross income under section 139D.

Section 139D generally provides an exclusion from gross income for any qualified Indian health care benefit. The term "qualified Indian health care benefit" is defined in section 139D(b) and some benefits may not be limited by the definition of medical care under section 213. For example, section 139D(b)(1) provides that a qualified Indian health care benefit includes any health service or benefit provided or purchased, directly or indirectly, by the Indian Health Service through a grant to or a contract or compact with an Indian Tribe or Tribal organization, or through a third-party program funded by the Indian Health Service.

Amounts paid for benefits that are merely beneficial to the general health of an individual, such as certain wellness and health-related programs, as well as care by an unlicensed spouse or relative, are not amounts paid for medical care. However, even if such benefit is not a qualified Indian health care benefit under section 139D, an Indian Tribal government may determine, under § 1.139E-1(d)(2), that wellness and health-related programs are for the promotion of general welfare under section 139E. Thus, amounts paid for benefits that are merely beneficial to the general health of an individual, such as certain wellness and health-related programs, as well as care by a spouse or relative, may be amounts which qualify as Tribal general welfare benefits.

X. Ongoing Consultation

A. Future TTAC Coordination

Many commenters requested that the Treasury Department and the IRS continue to coordinate all changes and future guidance with the TTAC to ensure Tribal input remains at the forefront of future efforts to develop and implement the Act. Many commenters requested that the Treasury Department and the IRS maintain an open dialogue with TTAC on guidance proposals, and not mere listening sessions, so that Tribes have a meaningful role in the development of all rules that impact the Tribal general welfare exclusion both directly and through TTAC. For example, one commenter requested that

the Treasury Department and the IRS meet with TTAC to jointly consider and address the comments received on the proposed regulations, and, in turn, that the TTAC share this progress with Tribes to ensure Tribal input in the guidance process. Moreover, commenters requested that the Treasury Department and the IRS maintain ongoing consultation with Tribal leaders and the TTAC as new issues arise to ensure the regulations protect Tribal sovereignty and support effective Tribal governance.

One commenter objected generally to the composition of Tribal representation on the TTAC. Conversely, some commenters shared appreciation for the Treasury Department and the IRS's collaborative approach with the TTAC and Tribes on the development of the proposed regulations. Commenters also expressed support for the work of Treasury's Office of Tribal and Native Affairs and requested permanency for the office.

The Treasury Department and the IRS agree with commenters that ongoing consultation with the TTAC is beneficial to the implementation of the Act. The Treasury Department and the IRS have engaged in extensive consultation with the TTAC GWE Subcommittee during the drafting of these final regulations with meaningful discussion of the comments received on the proposed regulation. These final regulations incorporate the recommendations of the TTAC GWE Subcommittee on these issues. Moreover, the Treasury Department and the IRS intend to continue meaningful consultation with the TTAC GWE Subcommittee to develop the training and education required by section 3(b) of the Act.

B. Alaska Native Regional or Village Corporations

Several commenters expressed concern that the proposed regulations do not provide guidance for Alaska Native regional or village corporations, even though Alaska Native regional or village corporations are included in section 139E(c)(1). Commenters stated the Treasury Department and the IRS are required to consult with Alaska Native regional or village corporations on the same basis as Federally recognized Tribes under Executive Order 13175. Some commenters pointed to Dear Tribal Leader Letters sent to leaders of Federally recognized Tribes and those letters were not sent to leadership of Alaska Native regional or village corporations and did not specifically address Alaska Native regional or village corporations. These

commenters argued that the promise to issue guidance in the future is inadequate to satisfy the requirements of the Act and leaves out Alaska Native regional or village corporations, and Alaska Native regional or village corporations have no information when consultation will be held on section 139E and the Act. These commenters asserted that the IRS should have consulted with Alaska Native regional or village corporations to provide their leadership and other interested parties an opportunity to engage in the commenting process before deciding to omit Alaska Native regional or village corporations from the proposed regulations.

Some commenters argued that providing guidance for Alaska Native regional or village corporations in later regulations is harmful and has negative effects on Alaska Native regional or village corporations because it creates confusion and uncertainty for Alaska Native regional or village corporations and may have the potential to obscure their place in the regulatory framework, contrary to their inclusion in section 139E. One commenter notes the omission of Alaska Native regional or village corporations from the proposed regulations creates confusion as to whether section 139E applies to Alaska Native regional or village corporations and that eliminating this uncertainty should be a top priority of the Treasury Department and the IRS.

Some commenters recommended that the final regulations include Alaska Native regional or village corporations in the definitions of Indian Tribal government and Tribe in § 1.139E-1. Other commenters recommended that the Treasury Department and the IRS finalize the regulations only after consultation with Alaska Native regional or village corporations on section 139E, publishing a proposed regulation applicable to Alaska Native regional or village corporations, providing notice and comment on such regulation, and soliciting specific questions of Alaska Native regional or village corporations. A commenter stated that Alaska Native regional or village corporations also provide vital general welfare benefits and services to their shareholders, such as scholarships, funding for cultural programs, improvements to healthcare access, and other essential services. Another commenter recommended that the Treasury Department and the IRS quickly promulgate proposed § 1.139E-2 to address Alaska Native regional or village corporations. Several commenters mentioned that rules provided for Alaska Native regional or

village corporations should be similar to those for Federally recognized Tribes in the proposed regulation, possibly with minor customizations.

One commenter acknowledged the decision of the Treasury Department and the IRS to issue separate guidance for Alaska Native regional or village corporations and Federally recognized Tribes. However, the commenter requested that the Treasury Department and the IRS include section 139E guidance for Alaska Native regional or village corporations as a priority on the Priority Guidance Plan (PGP) for the 2025–2026 plan year and that the guidance provided be similar to the guidance provided to Federally recognized Tribes under the proposed regulations. The commenter also recommended that interim guidance allow Alaska Native regional or village corporations to apply any or all of the provisions of the proposed regulation on a case-by-case basis.

In the interest of sound tax administration, the Treasury Department and the IRS have decided to continue to limit the rules of § 1.139E-1 to Federally recognized Tribes. However, the Treasury Department and the IRS agree with commenters that, as provided in section 139E(c)(1), an Alaska Native regional or village corporation may provide Tribal general welfare benefits excluded from gross income under section 139E.

The Treasury Department and the IRS held a consultation with Alaska Native regional and village corporations on July 29, 2025, in order to gather input before promulgating proposed regulations under section 139E customized to the specific circumstances of Alaska Native regional or village corporations. Discussion at this consultation focused on the application of section 139E to Alaska Native regional or village corporations and what guidance specific to Alaska Native regional or village corporations' distinct Federal income tax characteristics and circumstances would be helpful. Additionally, the Treasury Department and the IRS included section 139E guidance for Alaska Native regional or village corporations as a priority on the Priority Guidance Plan for the 2025–2026 plan year, released on September 30, 2025. The current Priority Guidance Plan is available at <https://www.irs.gov/privacy-disclosure/priority-guidance-plan>.

The Treasury Department and IRS are aware that Alaska Native regional or village corporations may want more certainty regarding their general welfare programs prior to the promulgation of additional final regulations under section 139E. Accordingly, the Treasury

Department and the IRS have determined that Alaska Native regional or village corporations may choose to apply the final rules in § 1.139E-1 until proposed regulations that specifically address the application of the requirements of section 139E to Alaska Native regional or village corporations are published under § 1.139E-2. However, an Alaska Native regional or village corporation that chooses to apply the rules in § 1.139E-1 must consistently apply the rules of § 1.139E-1 with respect to any general welfare benefits provided to a shareholder of the Alaska Native regional or village corporation (and the shareholder's spouse and dependents) and other Tribal program participants from general welfare programs of the Alaska Native regional or village corporation that satisfy § 1.139E-1(c). These final regulations set forth the substance of the preceding two sentences at § 1.139E-2. Moreover, the Treasury Department and the IRS acknowledge that section 3(b) of the Act requires education and training specific to Alaska Native regional or village corporations.

Special Analyses

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

Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments) prohibits an agency from publishing any rule that has Tribal implications if the rule either imposes substantial, direct compliance costs on Indian Tribal governments and is not required by statute, or preempts Tribal law, unless the agency meets the consultation and funding requirements of section 5 of the Executive order. These final regulations have a substantial direct effect on one or more Federally recognized Indian Tribes and do impose substantial direct compliance costs on Indian Tribal governments within the meaning of the Executive order. As a result, the Treasury Department complied with section 5(b)(2)(A) and (B) of Executive Order 13175. In compliance with section 5(b)(2)(A) of Executive Order 13175 and in response to Tribal leader requests for these final regulations, the Treasury Department and the IRS held consultations with Tribal leaders on November 18, 19, and 20, 2024, requesting assistance in addressing questions related to the Act and the proposed regulations, which informed the development of these final regulations. The Treasury Department and the IRS also intend to conduct Tribal consultation on the required

training described in section 3(b)(2) of the Act.

II. Regulatory Planning and Review

The Office of Information and Regulatory Analysis of the Office of Management and Budget (OMB) has determined that this regulation is not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (July 4, 2025) between the Treasury Department and the OMB regarding review of tax regulations. Therefore, a regulatory impact assessment is not required.

The Executive Order 14192 designation for this rule is anticipated to be deregulatory.

III. Paperwork Reduction Act

The collection of information contained in these regulations has been reviewed and approved by the OMB in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) under control number 1545–2328.

These regulations include third-party disclosures and recordkeeping requirements that are required to substantiate that the value of a Tribal General Welfare Benefit is excluded from a recipient's gross income.

The recordkeeping requirements in § 1.139E-1(c)(3) provide that Indian Tribal government programs must be administered under specified guidelines and provide general requirements on the content of those guidelines. Written specified guidelines are not required. Additionally, Indian Tribal governments should keep records they deem appropriate to substantiate that the Tribal general welfare benefits are distributed without discriminating in favor of the governing body of the Tribe, as described in § 1.139E-1(c)(4), are not lavish or extravagant, as described in § 1.139E-1(d)(4), and are not compensation for services, as described in § 1.139E-1(d)(5). This information will generally be used by the IRS for tax compliance purposes to ensure Indian Tribal governments are distributing Tribal general welfare benefits in accordance with § 1.139E-1.

A disclosure requirement may apply to Indian Tribal governments that choose to provide notification to Tribal program participants that an Indian Tribal government program exists for which Tribal program participants may apply for benefits. These final regulations do not prescribe a specific method Indian Tribal governments must use to announce the existence of a program. An Indian Tribal government may announce Indian Tribal government programs in any manner it deems appropriate.

These final regulations do not change the general recordkeeping requirement under section 6001 or create any new recordkeeping requirements for Tribal program participants that receive a Tribal general welfare benefit.

The estimated total reporting burden for Indian Tribal governments (third-party disclosure and recordkeeping burden for Tribal entities) is as follows:

Estimated Number of Respondents: 2,296.

Estimated Time per Response: 2 hours.

Estimated Frequency of Response: Once or on occasion.

Estimated Total Burden Hours: 4,592 hours.

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) generally requires a Federal agency obtain the approval of OMB before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the OMB.

IV. Regulatory Flexibility Act

The Secretary of the Treasury hereby certifies these final regulations will not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6). These final regulations affect Indian Tribal governments that establish and administer Tribal general welfare programs and that distribute Tribal general welfare benefits to certain individuals. The Treasury Department and the IRS have no reliable data to determine whether Tribal general welfare programs may be established and administered through small entities, such as not-for-profit entities. Although data is not readily available about the number of small entities that will potentially be affected by these final regulations, it is possible that a substantial number of small entities may be affected. However, any impact on those entities will not be economically significant and therefore a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

The impact of these final regulations can be described in the following categories. First, § 1.139E-1(c) provides guidance on what criteria a program must meet in order to be an "Indian Tribal Government Program." Specifically, § 1.139E-1(c) provides that the program must be established by the

Indian Tribal government; administered under specified guidelines; and not discriminate in favor of members of the governing body of the Tribe. Even assuming these provisions affect a substantial number of small entities, they will not have a significant economic impact. Section 139E(b) imposes the burden of what is needed to create an Indian Tribal government program. These final regulations will provide deference to Indian Tribal governments on the types of general welfare programs established and generally defer to Indian Tribal governments on the form of the program's specified guidelines and the specific records they should maintain. As such, it is expected that the final regulations will have a minimal economic impact on Indian Tribal governments.

Second, § 1.139E–1(d) will provide guidance on whether a benefit is a "Tribal General Welfare Benefit" that is excluded from an individual's gross income. Specifically, § 1.139E–1(d) will require the benefit be provided pursuant to an Indian Tribal government program; be for the promotion of general welfare; be available to any eligible Tribal program participant; not be lavish or extravagant; and, except as provided in section 139E(c)(5), not be for compensation for services. Section 1.139E–1(d) will provide deference to Indian Tribal governments on the types of benefits that promote the general welfare, the individuals who are eligible for benefits, and whether benefits are provided in exchange for participation in certain cultural or ceremonial activities under section 139E(c)(5) and these final regulations. It also provides that deference is given to the attestations of the facts and circumstances at the time that a benefit is provided to the Tribal program participant, and that the benefit is presumed to not be lavish or extravagant if it is described in, and provided in accordance with, the written specified guidelines of an Indian Tribal government program that exist at the time that the benefit is provided to the Tribal program participant. As such, it is expected that the final regulations will have a minimal economic impact on Indian Tribal governments.

Third, an Indian Tribal government program may provide benefits to a Tribal program participant that are items of cultural significance, reimbursement of costs, or cash honoraria for the Tribal program participant's participation in certain cultural or ceremonial activities. *See* § 1.139E–1(e). Indian Tribal governments have broad discretion to

determine whether or not these benefits are provided. Even assuming this provision affects a substantial number of small entities, it will not have a significant economic impact because benefits that are items of cultural significance, reimbursement of costs, and cash honoraria are only a few types of the benefits that are permitted to be provided under section 139E and § 1.139E–1. An Indian Tribal government is not required to provide these types of benefits.

For the reasons stated, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

V. Section 7805(f)

Pursuant to section 7805(f) of the Code, the proposed regulations (REG–106851–21) preceding this final regulation were submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business, and no comments were received.

VI. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Indian Tribal government, in the aggregate, or by the private sector, of \$100 million (updated annually for inflation). These final regulations do not include any Federal mandate that may result in expenditures by State, local, or Indian Tribal governments, or by the private sector in excess of that threshold.

VII. Executive Order 13132: Federalism

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. These final regulations do not have federalism implications and do not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

Effect on Other Documents

Revenue Procedure 2014–35 (2014–26 I.R.B. 1110) and Notice 2015–34 (2015–18 I.R.B. 942) are obsolete for taxable

years beginning on or after January 1, 2027.

Statement of Availability of IRS Documents

Guidance cited in this preamble is published in the Internal Revenue Bulletin and is available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at <https://www.irs.gov>.

Drafting Information

The principal authors of these regulations are Mon Lam, Jonathan Dunlap, and Thomas Brown of the Office of Associate Chief Counsel (Income Tax and Accounting). However, other personnel from the Treasury Department and the IRS participated in the development of the regulations.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding entries for §§ 1.139E–1, 1.139E–1(d)(6), 1.139E–2, and 1.7872–5(b)(17), in numerical order, to read in part, as follows:

Authority: 26 U.S.C. 7805 * * *

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Section 1.139E–1 also issued under 26 U.S.C. 139E.

Section 1.139E–1(d)(6) also issued under 26 U.S.C. 7872.

Section 1.139E–2 also issued under 26 U.S.C. 139E.

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Section 1.7872–5(b)(17) also issued under 26 U.S.C. 7872.

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■ **Par. 2.** Sections 1.139E–0 through 1.139E–2 are added to read as follows:

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Sec.

1.139E–0 Table of contents.

1.139E–1 Tribal general welfare benefits.

1.139E–2 Alaska Native regional or village corporations.

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§ 1.139E–0 Table of contents.

This section lists the major captions for §§ 1.139E–1 and 1.139E–2.

§ 1.139E–1 Tribal general welfare benefits.

(a) Overview.

(b) Definitions.

(1) Act.

- (2) Benefit.
- (3) Code.
- (4) Indian Tribal Government.
- (5) Indian Tribal Government Program.
- (6) Tribal General Welfare Benefit.
- (7) Tribe.
- (8) Tribal Program Participant.
- (9) Tribal Member.
- (10) Dependent.
- (c) Indian Tribal Government Program.
- (1) In general.
- (2) Program must be established.
- (3) Program must be administered under specified guidelines.
- (4) Program cannot discriminate in favor of members of the governing body of the Tribe.
- (5) No limitation on source of funds.
- (d) Tribal General Welfare Benefits.
- (1) In general.
- (2) Benefits must be for the promotion of general welfare.
- (3) Benefits must be available.
- (4) Benefits cannot be lavish or extravagant.
- (5) Benefits cannot be compensation for services.
- (6) Loans from an Indian Tribal Government to a Tribal Program Participant.
- (e) Cultural or ceremonial activities.
- (1) In general.
- (2) Application.
- (3) Examples.
- (f) Section 2(c) of the Act.
- (g) Audit suspension.
- (h) Applicability date.

§ 1.139E-2 Alaska Native regional or village corporations.

§ 1.139E-1 Tribal general welfare benefits.

(a) *Overview.* Under section 139E of the Code and this section, the gross income of a Tribal Program Participant for the taxable year does not include the value of any Tribal General Welfare Benefit provided by an Indian Tribal Government Program during the year to or on behalf of the Tribal Program Participant. Paragraph (b) of this section provides definitions that apply for purposes of this section. Paragraph (c) of this section provides the requirements that any program must satisfy to qualify as an Indian Tribal Government Program for purposes of this section. Paragraph (d) of this section provides the requirements that any benefit provided to or on behalf of a Tribal Program Participant must satisfy to qualify as a Tribal General Welfare Benefit for purposes of this section. Paragraph (e) of this section provides special rules related to cultural or ceremonial activities solely for purposes of this section. Paragraph (f) of this section restates the deference provided to Indian Tribal governments under section 2(c) of the Act. Paragraph (g) of this section describes the audit suspension provisions in section 4(a) of the Act. Paragraph (h) of this section provides the date of applicability of this section.

(b) *Definitions.* The following definitions apply for purposes of this section:

(1) *Act.* The term *Act* means the Tribal General Welfare Exclusion Act of 2014, Public Law 113–168, 128 Stat. 1883 (2014).

(2) *Benefit.* The term *benefit* means any money, property, services, or other item of value provided to or on behalf of an individual.

(3) *Code.* The term *Code* means the Internal Revenue Code.

(4) *Indian Tribal Government.* The term *Indian Tribal Government* means an Indian Tribal Government as defined by section 7701(a)(40) of the Code and includes any agencies or instrumentalities of such an Indian Tribal Government.

(5) *Indian Tribal Government Program.* The term *Indian Tribal Government Program* means a program that satisfies the requirements of paragraph (c) of this section.

(6) *Tribal General Welfare Benefit.* The term *Tribal General Welfare Benefit* means any benefit provided to or on behalf of a Tribal Program Participant that satisfies the requirements of paragraph (d) of this section for exclusion from gross income as an “Indian general welfare benefit” under section 139E of the Code.

(7) *Tribe.* The term *Tribe* means any Indian Tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village as defined in 43 U.S.C. 1602(c), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(8) *Tribal Program Participant*—(i) *In general.* The term *Tribal Program Participant* means a Tribal Member, spouse of a Tribal Member within the meaning of § 301.7701-18 of this chapter, spouse of a Tribal Member under applicable Tribal law, dependent of a Tribal Member, or other individual who has been determined by the Indian Tribal Government to be eligible for a Tribal General Welfare Benefit because such individual is, with respect to a Tribal Member, an ancestor, descendant, former spouse, widow or widower, legally recognized domestic partner or former domestic partner, or an individual for whom a Tribal Member is a caregiver authorized under Tribal or State law.

(ii) *Special rule for ceremonial or cultural activities.* Solely for purposes of paragraph (e) of this section, the term *Tribal Program Participant* may include a member or citizen of a Tribe that is different from the Tribe that establishes or maintains the Indian Tribal

Government Program that provides the Tribal General Welfare Benefit, and other individuals described in paragraph (b)(8)(i) of this section. For purposes of this paragraph (b)(8)(ii), in applying paragraph (b)(8)(i) of this section, such member or citizen of another Tribe will be treated as a Tribal Member.

(9) *Tribal Member.* The term *Tribal Member* means an individual who is a member or citizen of the Tribe that establishes or maintains the Indian Tribal Government Program because the individual meets the requirements established by applicable Tribal law for enrollment in the Tribe, and:

(i) Is listed on the Tribal rolls of the Tribe if such rolls are kept;

(ii) Is recognized as a member by the Tribe if Tribal rolls are not kept; or

(iii) Is an Indian child as defined in 25 U.S.C. 1903.

(10) *Dependent.* The term *dependent* means an individual who is a qualifying child or a qualifying relative, as defined in section 152 of the Code, of a Tribal Member for the taxable year determined:

(i) Without regard to whether the Tribal Member was a qualifying child or qualifying relative, each as defined in section 152, of another taxpayer for a taxable year of the other taxpayer beginning in that calendar year.

(ii) Without regard to whether the individual filed a joint return with the individual's spouse (as defined in section 6013 of the Code) for the taxable year beginning in that calendar year; and

(iii) Without regard to the individual's gross income for the calendar year in which the individual's taxable year begins.

(c) *Indian Tribal Government Program*—(1) *In general.* A program is an Indian Tribal Government Program only if the program:

(i) Is established by the Indian Tribal Government, as described in paragraph (c)(2) of this section;

(ii) Is administered under specified guidelines, as described in paragraph (c)(3) of this section; and

(iii) Does not discriminate in favor of members of the governing body of the Tribe, as described in paragraph (c)(4) of this section.

(2) *Program must be established*—(i) *In general.* A program must be established by an Indian Tribal Government. A program established by Tribal custom or government practice, or by formal action of the Indian Tribal Government, is a program established by the Indian Tribal Government. Formal action means authorization of the program pursuant to applicable Tribal law. The formal action must be in

writing to the extent such writing is required under applicable Tribal law. For example, written documentation that evidences the formal action of the Indian Tribal Government to establish the program is required if such written documentation is required under applicable Tribal law. Similarly, no written documentation of the formal action of the Indian Tribal Government to establish the program is required if, under applicable Tribal law, no written documentation of such action is required. As an additional example, a program may be established by a voice vote if such voice vote would otherwise constitute formal action of the Indian Tribal Government under applicable Tribal law. To the extent permitted under applicable Tribal law, an Indian Tribal Government may delegate the authority for establishing a program to a designated individual or entity of the Indian Tribal Government.

(ii) *Examples.* The requirements of this paragraph (c)(2) are illustrated by the following examples, which are not intended to be an exhaustive or exclusive illustration of the rules provided in this paragraph (c)(2):

(A) *Example 1.* A, a Tribe, operates under the direction of its Indian Tribal Government (the Council). According to the laws of A, all expenditures of A must be approved by a majority of the Council at the Council's annual meeting or by written unanimous consent if the action is taken without a meeting. During the annual meeting of A's Council, a majority of the Council vote to approve establishing a program. A's Council has established the program under paragraph (c)(2)(i) of this section.

(B) *Example 2—(1) Facts.* The facts are the same as in paragraph (c)(2)(ii)(A) of this section (*Example 1*), except that, based on a recommendation from the Tribal Education office, A's Council determines to provide funding for a scholarship program to pay 100% of education related expenses for any Tribal Member who graduates from high school or receives a GED during the calendar year. Because the next Council meeting is scheduled in December 2024, and to avoid potential impact on eligible students, in February 2024, Council adopts by unanimous written consent the following education program:

(i) Approving \$X of funding for the 2024 year for the scholarship program; and

(ii) Authorizing the director of the Tribal Education office to use the approved funds for the scholarship program.

(2) *Analysis.* A's Council has established the education program under paragraph (c)(2)(i) of this section.

(C) *Example 3.* The facts are the same as in paragraph (c)(2)(ii)(B) of this section (*Example 2*) except that A's Council approves \$X of annual funding to be provided for the education program, and delegates to the Tribal Education office authority to establish a scholarship program. A's Council has established the education program under paragraph (c)(2)(i) of this section.

(3) *Program must be administered under specified guidelines.* A program must be administered under specified guidelines. The specified guidelines must include, at a minimum, a description of the program to provide Tribal General Welfare Benefits, the eligibility requirements for the program, a description of the type of benefits authorized by the program, and the process for receiving benefits under the program. A program is administered under specified guidelines if the program is operated in accordance with such guidelines. Indian Tribal Governments may choose to, but are not required to, set forth the specified guidelines of the program in writing.

(4) *Program cannot discriminate in favor of members of the governing body of the Tribe—(i) In general.* Except in the case of a program described in paragraph (c)(4)(ii) of this section, a program cannot discriminate in favor of members of the governing body of the Tribe. For the purposes of this paragraph (c)(4), a governing body means the legislative body of the Tribe, such as the Tribal Council, or the representative equivalent of the legislative body of the Tribe.

(ii) *General council Tribes.* A program is treated as being in compliance with this paragraph (c)(4) if the governing body of a Tribe consists of the entire adult membership of the Tribe.

(iii) *Facts and circumstances test.* Except in the case of a program described in paragraph (c)(4)(ii) of this section, a program fails to satisfy the requirements of this paragraph (c)(4) if, based on all the facts and circumstances, the program, either by its terms or in its administration, discriminates in favor of members of the governing body of the Tribe. A program discriminates in favor of the members of the governing body of the Tribe if the program by its terms is available only to members of the governing body. Thus, for example, a program established to provide benefits solely to the children of members of the governing body of the Tribe (unless the Tribe is a general council Tribe) and thus defrays costs otherwise borne by members of the governing body fails to satisfy the requirements of this paragraph (c)(4). Additionally, the administration of a

program discriminates in favor of members of the governing body of the Tribe if, based on the totality of the facts and circumstances, the benefits provided during the year disproportionately favor members of the governing body of the Tribe because of their status as members of the governing body.

(5) *No limitation on source of funds—(i) In general.* Benefits under the Indian Tribal Government Program may be funded by any source of revenue or funds. For example, an Indian Tribal Government may use funds derived from levies, taxes, and service fees; settlements; revenues from Tribally owned businesses, including casino revenues; funds from Federal, State, or local governments; and funds from other sources, including grants and loans, to provide benefits under an Indian Tribal Government Program.

(ii) *Benefits funded by net gaming revenues.* Benefits under the Indian Tribal Government Program may be funded by net gaming revenues as permitted under the Indian Gaming Regulatory Act, 25 U.S.C. 2701–2721 (IGRA). However, per capita payments, as defined under IGRA, are subject to Federal taxation under IGRA and are not excludable from gross income under section 139E or this section. For purposes of section 139E and this section, a payment is a per capita payment if it is identified by the Indian Tribal Government as a per capita payment in a Revenue Allocation Plan that is approved by the Department of the Interior (*see* 25 U.S.C. 2710(b)(3) and 25 CFR 290.11) and in effect at the time of the payment.

(iii) *Benefits paid as distributions from certain trusts.* Benefits under the Indian Tribal Government Program may be provided to Tribal Program Participants as distributions from the portion of a trust of which the Indian Tribal Government is treated as owner under sections 671 through 677. For purposes of section 139E and this section, the determination of whether a benefit is a Tribal General Welfare Benefit is made at the time the benefit is distributed from the trust to the Tribal Program Participant. A benefit, or a portion thereof, that an Indian Tribal Government Program distributes from a trust is a Tribal General Welfare Benefit under section 139E if it otherwise satisfies the requirements of section 139E and this section.

(d) *Tribal General Welfare Benefits—(1) In general.* A benefit does not qualify as a Tribal General Welfare Benefit unless the benefit is:

(i) Provided pursuant to an Indian Tribal Government Program, as

described in paragraph (c) of this section;

(ii) Provided for the promotion of general welfare, as described in paragraph (d)(2) of this section;

(iii) Available to any eligible Tribal Program Participant, as described in paragraph (d)(3) of this section;

(iv) Not lavish or extravagant, as described in paragraph (d)(4) of this section; and

(v) Not compensation for services, as described in paragraph (d)(5) of this section.

(2) *Benefits must be for the promotion of general welfare*—(i) *In general.* Tribal General Welfare Benefits must be for the promotion of general welfare. For purposes of section 139E and this paragraph (d)(2), the Indian Tribal Government determines that a benefit is for the promotion of general welfare at the time it establishes the Tribal General Welfare Program meeting the requirements of paragraph (c) of this section. An Indian Tribal Government has sole discretion to determine whether a benefit is for the promotion of general welfare and the Internal Revenue Service will defer to the Indian Tribal Government's determination that a benefit is for the promotion of general welfare. Benefits may be provided without regard to the financial or other need of Tribal Program Participants and may be provided on a uniform or pro-rata basis to Tribal Program Participants. Thus, for example, an Indian Tribal Government determines whether benefits are for the promotion of general welfare under programs such as cultural programs, housing assistance programs, programs to provide education benefits, programs for training or retraining to acquire new skills or to obtain better employment opportunities, programs to provide assistance for disasters or emergency situations, funeral or burial assistance programs, legal aid programs, wellness and health-related programs, or any programs that provide benefits to specific categories of individuals, such as elderly individuals or minors. Moreover, an Indian Tribal Government may also determine that providing a benefit to a Tribal Program Participant to support, develop, operate, expand or start a trade or business is a benefit for the promotion of general welfare. However, a benefit paid to or on behalf of a Tribal Program Participant for a trade or business must be paid to or on behalf of the Tribal Program Participant in the Tribal Program Participant's capacity as an individual (for example, the benefit cannot be paid to or on behalf of the Tribal Program Participant's corporation or partnership).

(ii) *Examples.* The requirements of paragraph (d)(2)(i) of this section are illustrated by the following examples. Items listed in these examples following the term “including” are not intended to be an exhaustive or exclusive illustration of the application of the rules in paragraph (d)(2)(i) of this section. For the examples in this paragraph (d)(2)(ii), assume the Indian Tribal Government has determined that the benefits provided are for the promotion of general welfare.

(A) *Example 1: Housing programs.* Indian Tribal Government A administers a program, B, pursuant to which the following benefits are provided in connection with A's Tribal Members' principal residences and ancillary structures: payments for Tribal Members to use to make mortgage payments, down payments, and rent payments (including security deposits); payments for Tribal Members to enhance habitability of housing, such as by remedying water, sewage, sanitation service, safety (including mold remediation), and heating or cooling issues; payments for Tribal Members to provide for basic housing repairs or rehabilitation (including roof repair and replacement); and payments to Tribal Members to pay utility bills and charges (including water, electricity, gas, and basic communications services such as phone, internet, and cable). The payments made by A under B are for the promotion of general welfare as described in paragraph (d)(2)(i) of this section.

(B) *Example 2: Educational programs.* Indian Tribal Government C administers a program, D, pursuant to which the following benefits are provided: provision to students (including post-secondary students) of transportation to and from school, tutors, and supplies (including clothing, backpacks, laptop computers, textbooks, musical instruments, and sports equipment) for use in school activities and extracurricular activities; tuition payments for students (as well as allowances for room and board on or off campus for the student, spouse, domestic partner, and dependents) to attend preschool, school, college or university, online school, educational seminars, vocational education, technical education, adult education, continuing education, or alternative education; provision of care of children away from their homes to help their parents or other relatives responsible for their care to be gainfully employed or to pursue education; and provision of job counseling and programs for which the primary objective is job placement or training, including allowances for

expenses for interviewing or training away from home (including travel, auto expenses, lodging, and food), tutoring, and appropriate clothing for a job interview or training (including an interview suit or a uniform required during a period of training). The payments made by C under D are for the promotion of general welfare as described in paragraph (d)(2)(i) of this section.

(C) *Example 3: Elder and disabled programs.* Indian Tribal Government E administers a program, F, pursuant to which the following benefits are provided to Tribal Members who have attained age 55 or are mentally or physically disabled (as defined under applicable law, including an Indian Tribal Government's disability laws): meals through home-delivered meals programs or at a community center or similar facility; home care such as assistance with preparing meals or doing chores, or day care outside the home; local transportation assistance; and improvements to adapt housing to special needs (including but not limited to grab bars and ramps). The payments made by E under F are for the promotion of general welfare as described in paragraph (d)(2)(i) of this section.

(D) *Example 4: Transportation programs.* Indian Tribal Government G administers a program, H, pursuant to which the following benefits are provided: payment of transportation costs, including for rental cars, mileage, and fares for taxis, ride-sharing or ride-hailing services, buses, and other public transportation. The payments made by G under H are for the promotion of general welfare as described in paragraph (d)(2)(i) of this section.

(E) *Example 5: Medical programs.* Indian Tribal Government J administers a program, K, pursuant to which the following benefits are provided: payments for the cost of transportation, temporary meals, and lodging of a Tribal Program Participant while the individual is receiving medical care away from home, or to pay the cost of nonprescription drugs (including traditional Tribal medicines). The payments made by J under K are for the promotion of general welfare as described in paragraph (d)(2)(i) of this section.

(F) *Example 6: Emergency programs.* Indian Tribal Government L administers a program, M, pursuant to which the following benefits are provided to individuals in exigent circumstances (including victims of abuse): assistance to cover costs, including the costs of food, clothing, shelter, transportation, auto repair bills, and similar expenses;

payment of costs for temporary relocation and shelter for individuals involuntarily displaced from their homes (including situations in which a home is destroyed by a fire or natural disaster); and assistance for transportation emergencies (for example, when stranded away from home) in the form of transportation costs, a hotel room, and meals. The payments made by L under M are for the promotion of general welfare as described in paragraph (d)(2)(i) of this section.

(G) *Example 7: Cultural and religious programs.* Indian Tribal Government N administers a program, P, pursuant to which the following benefits are provided: payment of expenses (including admission fees, transportation, food, and lodging) to attend or participate in a Tribe's cultural, social, religious, or community activities, including powwows, potlatches, ceremonies, and traditional dances; payment of expenses (including admission fees, transportation, food, and lodging) to visit sites that are culturally or historically significant for the Tribe, including other Indian reservations; payment of the costs of receiving instruction about a Tribe's culture, history, and traditions (including traditional language, music, and dances); payment of funeral and burial expenses and expenses of hosting or attending wakes, funerals, burials, other bereavement events, and subsequent honoring events; payment of transportation costs and admission fees to attend educational, social, or cultural programs offered or supported by the Tribe or another Tribe; and cash or property provided as prizes or awards in connection with cultural, social, religious, or community activities (including powwows, potlatches, ceremonies, and traditional dances). In addition, the benefits provided by program P include the payment of expenses to assist in the preparation and clean-up activities related to the Tribe's cultural, social, religious, or community activities. The payments made by N under P are for the promotion of general welfare as described in paragraph (d)(2)(i) of this section.

(H) *Example 8: Economic development benefits.* Indian Tribal Government Q administers a program, R, pursuant to which Q provides benefits to Tribal Program Participants to support, develop, operate, expand or start a trade or business. Q provides benefits under program R, which include: a nonreimbursable grant paid directly to a Tribal Program Participant; an interest-free or other below-market loan to a Tribal Program Participant;

and a cash benefit to a Tribal Program Participant to pay rent on a commercial lease. The benefits provided by Q to Tribal Program Participants under R, are for the promotion of general welfare as described in paragraph (d)(2)(i) of this section.

(3) *Benefits must be available.* The benefits provided under an Indian Tribal Government Program must be available to any Tribal Program Participant who meets the specified guidelines of the program required under paragraph (c)(3) of this section, subject to budgetary constraints. However, the Indian Tribal Government has discretion to determine the category of individuals who are Tribal Program Participants under the Indian Tribal Government Program, provided that such determination is consistent with the specified guidelines described in paragraph (c)(3) of this section and subject to the prohibition on discrimination under paragraph (c)(4) of this section. Thus, for example, an Indian Tribal Government is permitted to limit eligibility for an Indian Tribal Government Program to dependents of Tribal Members who have attained a specified age, or, as another example, to a Tribal Member's household.

(4) *Benefits cannot be lavish or extravagant—(i) Facts and circumstances test.* The benefit provided by an Indian Tribal Government Program cannot be lavish or extravagant. Whether a benefit is lavish or extravagant for purposes of this section is based on the facts and circumstances at the time the benefit is provided. Relevant facts and circumstances include a Tribe's culture and cultural practices, history, geographic area, traditions, resources, and economic conditions or factors. For purposes of this paragraph (d)(4)(i), the Internal Revenue Service will defer to an Indian Tribal Government's attestations of the fact and circumstances but may also consider other facts and circumstances that are not attested to by the Indian Tribal government at the time that the benefit is provided to the Tribal Program Participant.

(ii) *Presumption for written specified guidelines.* A benefit will be presumed to not be lavish or extravagant if it is described in, and provided in accordance with, the written specified guidelines of an Indian Tribal Government Program that exist at the time that the benefit is provided to the Tribal Program Participant.

(5) *Benefits cannot be compensation for services.* Except as provided in paragraph (e) of this section, a Tribal General Welfare Benefit does not

include benefits that are provided as compensation for services to any person. Under section 61(a) of the Code, compensation for services includes fees, commissions, fringe benefits, and similar items, whether paid in money or property.

(6) *Loans from an Indian Tribal Government to a Tribal Program Participant.* Except as provided in § 1.7872–5(a)(2), section 7872 of the Code does not apply to a loan from an Indian Tribal Government to a Tribal Program Participant pursuant to an Indian Tribal Government Program.

(e) *Cultural or ceremonial activities—(1) In general.* For purposes of section 139E and paragraph (d)(5) of this section, a benefit is not compensation for services if:

(i) The benefit is provided to a Tribal Program Participant for the Tribal Program Participant's participation in cultural or ceremonial activities for the transmission of Tribal culture as determined by the Indian Tribal Government (including but not limited to: powwows; rite of passage ceremonies; funerals; wakes; burials; other bereavement events; honoring events; Tribal community service events, such as a neighborhood clean-up or a youth woodcutting program to benefit elders; participation in training in traditional construction techniques; Tribal language education; and other activities, including, for example, those described in paragraph (d)(2)(ii)(G) of this section); and

(ii) The benefit consists of an item of cultural significance as determined by the Indian Tribal Government, the reimbursement of costs, or a cash honorarium.

(2) *Application.* Except as otherwise provided in this paragraph (e)(2), an Indian Tribal Government has sole discretion to determine whether an item is an item of cultural significance and whether an activity is a cultural or ceremonial activity, and the Internal Revenue Service will defer to these determinations by the Indian Tribal Government. A benefit provided under this paragraph (e) can be a prize or award given to a Tribal Program Participant for the Tribal Program Participant's participation in cultural or ceremonial activities for the transmission of Tribal culture. However, cash, gift cards, or vehicles are generally not items of cultural significance.

(3) *Examples.* The application of this paragraph (e) is illustrated by the following examples, which are not intended to be an exhaustive or exclusive illustration of the rules provided in this paragraph (e):

(i) *Example 1: Benefits for cultural or ceremonial activities not compensation for services.* Tribe B regularly holds a gathering during the fall season to celebrate its cultural traditions. During the gathering, Tribal Members of B, as well as Tribal members of other Tribes from around the region, are invited to participate. The Indian Tribal Government of B (ITG-B) allocates funds for the gathering, some of which are used for the following payments:

(A) *Tribal Member of B.* Individual 1, a Tribal Member of B, provides traditional blessings on the first and final days of the gathering. ITG-B gives Individual 1 a cash honorarium in recognition of providing the blessings. The cash honorarium that Individual 1 receives from ITG-B is not compensation for services under this paragraph (e).

(B) *Tribal Member of different Tribe.* Individual 2, a Tribal Member of Tribe C, participates as a drummer for a ceremonial dance on the second day of the gathering. ITG-B gives Individual 2 a piece of culturally significant jewelry. Under paragraph (b)(8)(ii) of this section, Individual 2 is a Tribal Program Participant solely for purposes of this paragraph (e). The jewelry that Individual 2 receives from ITG-B is not compensation for services under this paragraph (e).

(ii) *Example 2: Benefits for cultural or ceremonial activities not compensation for services.* Tribe C operates a language preservation center in which Individual 3, a Tribal Member of C, who speaks the traditional language that is common to C and other regional Tribes, volunteers to come in every Saturday to discuss and teach the traditional language of C to other Tribal Members of C. The Indian Tribal Government of C (ITG-C), reimburses Individual 3 for travel expenses and teaching supplies used in Individual 3's language lessons. The

reimbursement of costs that Individual 3 receives from ITG-C is not compensation for services under this paragraph (e).

(f) *Section 2(c) of the Act.* Section 2(c) of the Act provides that ambiguities in section 139E of the Internal Revenue Code, as added by the Act, shall be resolved in favor of Indian Tribal governments and deference shall be given to Indian Tribal governments for the programs administered and authorized by the Tribe to benefit the general welfare of the Tribal community.

(g) *Audit suspension.* After December 16, 2025, the Department of the Treasury and the Internal Revenue Service will, in consultation with the Treasury Tribal Advisory Committee, establish and require the education and training prescribed in section 3(b)(2) of the Act. The temporary suspension of audits and examinations (see sections 7602 and 7605 of the Code) described in section 4(a) of the Act applies to Indian Tribal governments and Tribal Program Participants and will not be lifted until after the education and training prescribed by section 3(b)(2) of the Act is completed. An inquiry into a taxpayer's eligibility for the audit suspension does not constitute an audit or examination for purposes of the audit suspension described in section 4(a) of the Act.

(h) *Applicability date.* This section applies to taxable years of Tribal Program Participants that begin on or after January 1, 2027. Indian Tribal Governments and Tribal Program Participants may choose to apply the provisions of this section, in their entirety, to taxable years that begin before January 1, 2027.

§ 1.139E-2 Alaska Native regional or village corporations.

An Alaska Native regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), may choose to apply the rules in § 1.139E-1 until rules that specifically address the application of the requirements of section 139E of the Internal Revenue Code to Alaska Native regional or village corporations are published under this section. However, an Alaska Native regional or village corporation that chooses to apply the rules in § 1.139E-1 must apply all of the rules of § 1.139E-1 with respect to any general welfare benefits provided to a shareholder of the Alaska Native regional or village corporation (and the shareholder's spouse and dependents) and other Tribal Program Participants (as defined in § 1.139E-1(b)).

■ **Par. 3.** Section 1.7872-5 is amended by adding paragraph (b)(17) to read as follows:

§ 1.7872-5 Exempted loans.

* * * * *

(b) * * *

(17) See § 1.139E-1(d)(6) for rules for a loan from an Indian Tribal Government to a Tribal Program Participant pursuant to an Indian Tribal Government Program within the meaning of § 1.139E-1(c). See § 1.139E-1(h) for the applicability date of this paragraph (b)(17).

* * * * *

Frank J. Bisignano,
Chief Executive Officer.

Approved: November 19, 2025.

Kenneth J. Kies,
Assistant Secretary of the Treasury (Tax Policy).

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Part III

General Services Administration

41 CFR Parts 102–3, 102–5, 102–33, et al.

Federal Management Regulation; Aligning the Federal Management Regulation (FMR) With the Administration's Deregulatory Priorities; Final Rule

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 102–3, 102–5, 102–33, 102–34, 102–35, 102–36, 102–37, 102–38, 102–39, 102–40, 102–41, 102–42, 102–71, 102–72, 102–73, 102–74, 102–75, 102–76, 102–77, 102–78, 102–79, 102–80, 102–81, 102–82, 102–83, 102–85, 102–117, 102–118, and 102–192

[FMR Case 2025–05; Docket No. GSA–FMR–2025–0005; Sequence No. 1]

RIN 3090–AK92

Federal Management Regulation; Aligning the Federal Management Regulation (FMR) With the Administration’s Deregulatory Priorities

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: GSA is issuing a final rule to streamline and update multiple parts of the FMR to ensure adherence to statutory requirements and improve the effectiveness of the management of aviation, Federal advisory committees, mail, motor vehicles, personal property, real property, and transportation.

DATES: *Effective date:* December 16, 2025.

FOR FURTHER INFORMATION CONTACT:

Alexander Kurien, Deputy Associate Administrator, Office of Government-wide Policy, at 202–208–7642 or alexander.kurien@gsa.gov, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or GSARegSec@gsa.gov. Please cite FMR Case 2025–05.

SUPPLEMENTARY INFORMATION:

I. Background

The FMR was first published June 24, 1999, with the intention of improving GSA’s regulatory system. While there have been additions and revisions on some parts over the years, several portions of the regulation have not been revised since they were added, and the regulation itself had not undergone a general review prior to 2025. This final rule amends the FMR to align with the Administration’s priorities set forth in Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation*, dated January 31, 2025, and E.O. 14219, *Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative*, dated February 19, 2025. These

amendments are based on a complete review of each FMR Part for consistency with law and Administration policy and a focus on the best reading of the underlying statutory authority or prohibition. As E.O. 14192 states, agencies must work to alleviate the burden on those impacted by regulations, and to that end, GSA has streamlined and simplified regulations with an underlying statutory requirement. The review also focused on minimizing regulations not required by law. Regulations rescinded in this rulemaking are not explicitly required by statute to be issued as GSA regulations in the FMR, or are duplicative of regulations specified by other agencies, and are not necessary to carry out the Administrator’s functions under subtitle I of title 40, United States Code. If regulations were found to be duplicative, their removal does not change either the underlying statute or any regulations maintained by other agencies, and GSA has determined that reducing the number of redundant regulations will lead to less confusion, as there will be one source for the regulatory requirement. Where helpful, GSA will communicate policies and information that has been removed from the FMR in non-regulatory guidance documents without editorial changes. Some of these non-regulatory guidance documents can be found on <https://www.gsa.gov/directives-library>, or will be consolidated on <https://www.gsa.gov/policy-regulations>. Statutory provisions, the revised FMR, and non-regulatory guidance documents will establish a practical and authoritative basis for efficiently accomplishing mission objectives.

II. Discussion of Final Rule—Summary of Changes

GSA is removing portions of the regulation that are not required by statute and removing outdated provisions. A summary of the changes is as follows:

Part 102–3—Federal Advisory Committee Management: Revised. GSA streamlined and consolidated this FMR part to improve Federal advisory committee management policies and processes, remove unnecessary language and information, and increase accountability for Federal advisory committee operation.

Part 102–5—Home-to-Work Transportation: Removed and reserved part. Retained content now included in part 102–34.

Part 102–33—Management of Government Aircraft: Revised definitions to include only relevant definitions. Consolidated remaining

regulations and removed procedural instructions, including appendix A.

Part 102–34—Motor Vehicle Management: Revised. GSA streamlined this FMR part by eliminating six subparts and 54 sections considered to be nonregulatory guidance. Consolidated and revised definitions and moved statutory requirements from FMR part 102–5.

Part 102–35—Disposition of Personal Property: Revised. Consolidated and revised definitions from FMR parts 102–36 through 102–42.

Part 102–36—Disposition of Excess Personal Property: Revised and moved definitions to FMR part 102–35. Removed procedural instructions. Removed GSA’s donation of firearms to state and local government activities based on the cessation of the firearm donation program.

Part 102–37—Donation of Surplus Personal Property: Revised and moved definitions to FMR part 102–35. Removed procedural instructions, including appendices A, B, and C. Removed GSA’s donation of firearms to state and local government activities based on the cessation of the firearm donation program.

Part 102–38—Sale of Personal Property: Revised and moved definitions to FMR part 102–35. Removed procedural instructions. Updated requirements for the designation or authority to sell personal property.

Part 102–39—Replacement of Personal Property Pursuant to the Exchange/Sale Authority: Revised and moved definitions to FMR part 102–35. Removed procedural instructions. Removed the reporting requirement for exchange/sale activity. Removed the exchange/sale prohibition on FSC Class 1005 weapons when conducting exchanges or sales with the original equipment manufacturer.

Part 102–40—Utilization and Disposition of Personal Property with Special Handling Requirements: Revised and moved definitions to FMR part 102–35. Removed procedural instructions, including appendices A and B. Removed GSA’s donation of firearms to state and local government activities based on the cessation of the firearm donation program.

Part 102–41—Disposition of Seized, Forfeited, Voluntarily Abandoned, and Unclaimed Personal Property: Revised and moved definitions to FMR part 102–35. Removed procedural instructions.

Part 102–42—Utilization, Donation, and Disposal of Foreign Gifts and Decorations: Revised and removed procedural instructions.

Part 102-71—General: Part revised to include only relevant definitions and consolidate remaining real property regulations required by statute or necessary on significant policy grounds, including installing, repairing, and replacing sidewalks; the Fire Administration Authorization Act of 1992 (Pub. L. 102-522); rent; occupant emergency programs; prohibition of portable heaters, fans, and similar devices; tobacco policy; and use of Federal real property to assist the homeless.

Part 102-72—Delegation of Authority: Removed and reserved part.

Part 102-73—Real Estate Acquisition: Removed and reserved part.

Part 102-74—Facility Management: Removed subparts A, D, and F. Subpart B language on occupant emergency programs; prohibition of portable heaters, fans, and similar devices; and tobacco policy was revised and moved to §§ 102-71.55 through 102-71.115. The remainder of Subpart B was removed. Subpart C will be removed in January 2026 to coincide with the Department of Homeland Security's promulgation of regulations for the protection of Federal property. Subpart E was revised and moved to § 102-71.20.

Part 102-75—Real Property Disposal: Removed and reserved part. Subpart H was moved to § 102-71, subpart B.

Part 102-76—Design and Construction: Removed and reserved part.

Part 102-77—Art in Architecture: Removed and reserved part.

Part 102-78—Historic Preservation: Removed and reserved part.

Part 102-79—Assignment and Utilization of Space: Removed and reserved part.

Part 102-80—Safety and Environmental Management: Removed and reserved part. Section on the Fire Administration Authorization Act of 1992 (Pub. L. 102-522) was revised and moved to §§ 102-71.25 through 102-71.45.

Part 102-81—Physical Security: Removed and reserved part.

Part 102-82—Utility Services: Removed and reserved part.

Part 102-83—Location of Space: Removed and reserved part.

Part 102-85—Pricing Policy for Occupancy in GSA Space: Removed and reserved part. Language on rent was revised and moved to § 102-71.50.

Part 102-117—Transportation Management: Revised the transportation procurement requirements for Federal agencies. Eliminated seven subparts and 56 sections considered to be nonregulatory guidance.

Part 102-118—Transportation Payment and Audit: Revised due to the elimination of the GSA Transportation Audits Division. Under the new framework, most functions previously performed by this division have been delegated directly to Federal agencies. The Administrator's delegation of authority, based on 31 U.S.C. 3726, grants agencies full authority to conduct—prepayment audits; post-payment audits; or comprehensive audits combining both prepayment and post-payment reviews. Modifications seek to improve financial oversight and potentially reduce Government expenses. Eliminated 78 regulatory sections and one subpart.

Part 102-192—Mail Management: Revised. Removed subpart C, which established regulatory requirements for OGP as to the “guidance and assistance” provided to agencies under 44 U.S.C. 2904(b). Removed the agency requirement for sustainable activities per the rescission of E.O. 13514.

III. Regulatory Impact Analysis

GSA conducted an economic analysis of the proposed changes to the FMR and determined that during the first and subsequent years after publication of the rule, there are economic impacts associated with this rule that result in cost avoidance for the Government and public entities. The primary driver for making changes to the FMR is to increase its usability. The significant streamlining and reduction in the text of the FMR enhances the clarity and intuitiveness of the FMR for all employees that need to read and be familiar with it, which saves time. Additionally, several requirements were removed from the FMR related to communication, reporting, and research, which will ease the workload for government employees. GSA estimates the discounted total overall net cost avoidance over a 10-year period is \$772,189,519 at a 3-percent discount rate and \$637,329,436 at a 7-percent discount rate. GSA estimates this economic impact by multiplying the estimated time required to review the regulation and guidance implementing the rule by the estimated hourly compensation of the employee performing the task. For the calculations, GSA used the estimated hourly compensation¹ using the U.S. Office of Personnel Management's 2025 General Schedule (GS) Rest of United

States Locality Pay Table,² a full fringe benefit cost factor of 36.25 percent,³ and an overhead cost factor of 12 percent as provided by the Office of Management and Budget (OMB) Circular A-76.⁴ The following section is a list of activities related to regulatory compliance that GSA anticipates will occur. These assumptions were generated based on internal GSA expertise.

1. Economic Impact to Government

A. Reduction of Regulatory Text

Due to reduced page count, GSA assumes Federal employees will no longer need to familiarize themselves with the removed duplicative content in the FMR. This is due to the fact that FMR sections were mainly taken out, not added in. GSA identified these time savings based on employees no longer needing to familiarize themselves with sections of the FMR that have been reduced or removed. GSA assumes that the majority of employees primarily familiarize themselves with the FMR by reading the sections that are most relevant to them. This results in cost avoidance for the time saved by the Federal employees reading the FMR.

To calculate economic impact, GSA estimated the number of employees that needed to familiarize themselves with different sections from the FMR that were removed, multiplied by the number of page reductions for each section, multiplied by the assumed average reading speed per page. This is the estimated amount of time saved by the reduction of pages. This number is multiplied by the hourly cost of the employee based on the average GS level that no longer needs to familiarize themselves with the removed duplicative content. GSA assumes that in every subsequent year, these employees would spend half the amount of time to refresh their knowledge of that section as they did in the first year. GSA assumes that this reading/familiarization does not take place in one sitting at one time, and is likely something that happens over the course of the year as these employees reference the section of the FMR as needed. It should be noted that in the calculations for this section, we only identified cost savings for GS-11s, GS-12s, GS-13s, and GS-15s.

² General Schedule (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/RUS_h.aspx).

³ OMB Memo M-08-13, dated March 11, 2008 (https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2008/m08-13.pdf).

⁴ OMB Circular A-76 (https://georgewbush-whitehouse.archives.gov/omb/circulars/a076/a76_incl_tech_correction.html).

¹ Computing Hourly Rates of Pay Using the 2,087-Hour Divisor (<https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/computing-hourly-rates-of-pay-using-the-2087-hour-divisor/>).

GSA estimates that in Year 1, for GS-11s, the total cost avoidance is \$589,248 (= 3,000 employees that GSA policy subject matter experts (SMEs) estimate need to be familiar with various FMR sections that were removed $\times$ 3.3 hours saved on average from each GS-11 that no longer is required to be familiar with this removed section, based on an estimated average reading speed of the removed section $\times$ \$59.52 [GS-11 hourly rate, including fringe benefits]). GSA estimates that in Years 2–10, for GS-11s, the cost avoidance is \$294,624 (= 3,000 employees that GSA policy SMEs estimate need to be familiar with various FMR sections that were removed $\times$ 1.65 hours saved on average from each GS-11 that no longer is required to be familiar with this removed section, based on an estimated average reading speed of the removed section $\times$ \$59.52 [GS-11 hourly rate, including fringe benefits]).

GSA estimates that in Year 1, for GS-12s, the total cost avoidance is \$1,542,002 (= 15,437 employees that GSA policy SMEs estimate need to be familiar with various FMR sections that were removed $\times$ 1.4 hours saved on average from each GS-12 that no longer is required to be familiar with this removed section, based on an estimated average reading speed of the removed

section $\times$ \$71.35 [GS-12 hourly rate, including fringe benefits]). GSA estimates that in Years 2–10, for GS-12s, the cost avoidance is \$771,001 (= 15,437 employees that GSA policy SMEs estimate need to be familiar with various FMR sections that were removed $\times$.7 hours saved on average from each GS-12 that no longer is required to be familiar with this removed section, based on an estimated average reading speed of the removed section $\times$ \$71.35 [GS-12 hourly rate, including fringe benefits]).

GSA estimates that in Year 1, for GS-13s, the total cost avoidance is \$291,850 (= 3,440 employees that GSA policy SMEs estimate need to be familiar with various FMR sections that were removed $\times$ 1 hours saved on average from each GS-13 that no longer is required to be familiar with this removed section, based on an estimated average reading speed of the removed section $\times$ \$84.84 [GS-13 hourly rate, including fringe benefits]). GSA estimates that in Years 2–10, for GS-13s, the cost avoidance is \$145,925 (= 3,440 employees that GSA policy SMEs estimate need to be familiar with various FMR sections that were removed $\times$.5 hours saved on average from each GS-13 that no longer is required to be familiar with this

removed section, based on an estimated average reading speed of the removed section $\times$ \$84.84 [GS-13 hourly rate, including fringe benefits]).

GSA estimates that in Year 1, for GS-15s, the total cost avoidance is \$8,912 (= 229 employees that GSA policy SMEs estimate need to be familiar with various FMR sections that were removed $\times$.33 hours saved on average from each GS-15 that no longer is required to be familiar with this removed section, based on an estimated average reading speed of the removed section $\times$ \$117.93 [GS-15 hourly rate, including fringe benefits]). GSA estimates that in Years 2–10, for GS-15s, the cost avoidance is \$4,591 (= 229 employees that GSA policy SMEs estimate need to be familiar with various FMR sections that were removed $\times$.17 hours saved on average from each GS-15 that no longer is required to be familiar with this removed section, based on an estimated average reading speed of the removed section $\times$ \$117.93 [GS-15 hourly rate, including fringe benefits]).

A breakdown of the undiscounted total annual estimates cost avoidance by GS levels by year from the reduction of regulatory text is provided in the table below.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Cost avoidance for GS-11s	\$ 589,248	\$ 294,624	\$ 294,624	\$ 294,624	\$ 294,624	\$ 294,624	\$ 294,624	\$ 294,624	\$ 294,624	\$ 294,624
Cost avoidance for GS-12s	\$ 1,542,002	\$ 771,001	\$ 771,001	\$ 771,001	\$ 771,001	\$ 771,001	\$ 771,001	\$ 771,001	\$ 771,001	\$ 771,001
Cost avoidance for GS-13s	\$ 291,850	\$ 145,925	\$ 145,925	\$ 145,925	\$ 145,925	\$ 145,925	\$ 145,925	\$ 145,925	\$ 145,925	\$ 145,925
Cost avoidance for GS-15s	\$ 8,912	\$ 4,591	\$ 4,591	\$ 4,591	\$ 4,591	\$ 4,591	\$ 4,591	\$ 4,591	\$ 4,591	\$ 4,591

B. Reduction in Regulatory Familiarization Materials and Training

The removal of multiple sections of the FMR resulted in certain trainings no longer being required. These trainings were previously required in order to become familiar and knowledgeable about the various sections of the FMR, that have since been deleted. Due to a decrease in trainings that are required in the FMR, GSA assumes that Federal employees will spend less time receiving, delivering, or updating relevant training materials. These trainings related to personal property (supplemental trainings from deleted sections no longer need to be reviewed),

and the real property section (Art in Architecture no longer develops or delivers trainings; Real Estate Acquisition—supplemental training materials from deleted sections no longer need to be reviewed; Location of Space—multiple trainings related to new construction and leasing no longer need to be developed, updated, and reviewed). These sections were all significantly reduced, and therefore, less time and effort will be spent on their associated trainings. This results in cost avoidance by the time saved by the Federal employees that receive, deliver, or update these training materials.

To calculate the economic impact of the reduction in receiving trainings, GSA estimates the number of Federal employees that needed to receive a training that was removed from the FMR, multiplied by the average time to take the training. This is the estimated amount of time saved by the reduction in receiving training. This number is multiplied by the hourly employee cost based on the average GS level of the employee receiving the training.

GSA estimates that in Year 1, the total cost avoidance from reduction in receiving trainings or training materials is \$10,971,022 (= 882 hours $\times$ \$71.35[GS12]) + (128,572.5 hours $\times$

\$84.84[GS13]). GSA estimates that in years 2,4,6,8, and 10, the total cost avoidance from reduction in receiving training is \$10,842,552 (=127,800 hours × \$84.84[GS13]). GSA estimates that in years 3,5,7,9, the total cost avoidance from reduction in receiving training is \$10,965,713 (=829 hours × \$71.35[GS12] + (128,554.5 hours × \$84.84[GS13])).

To calculate the economic impact of the reduction in delivering trainings, GSA estimates the number of Federal employees that needed to deliver a training that was removed from the FMR, multiplied by the average time to deliver the training. This is the estimated amount of time saved by the reduction in delivering training. This

number is multiplied by the hourly employee cost based on the average GS level of the employee delivering the training. GSA estimates that in Year 1, the total net cost from changes to the requirements in delivering trainings is \$1,584 (=27 hours × \$117.93[GS15]) – (7.5 hours × 100.26[GS14]) – (10hr × \$84.84[GS13])). GSA estimates that in Years 2,4,6,8, and 10, the total net cost impact is \$0. GSA estimates that in Years 3,5,7, and 9, the total cost avoidance is \$752 (=7.5 hours × 100.26[GS14])).

To calculate the economic impact of the reduction for updating trainings, GSA estimated the number of Federal employees that needed to update a training that was removed from the

FMR, multiplied by the average time to update the training. This is the estimated amount of time saved by the reduction in updating trainings. This number is multiplied by the hourly employee cost based on the average GS level of the employee updating the training. GSA estimates that in Year 1, the total net cost avoidance from the reduction in updating training is \$21,306 (=25.5 hours × \$100.26[GS14]) + (221 hours × \$84.84[GS13])).

A breakdown of the undiscounted total annual estimated cost avoidance by year from the reduction in regulatory familiarization materials and training is provided in the table below.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Cost avoidance from reduction in receiving trainings or training materials	\$ 10,971,022	\$ 10,842,552	\$ 10,965,713	\$ 10,842,552	\$ 10,965,713	\$ 10,842,552	\$ 10,965,713	\$ 10,842,552	\$ 10,965,713	\$ 10,842,552
Cost avoidance from reduction in delivering trainings or training materials	-\$1,584	\$ -	\$ 752	\$ -	\$ 752	\$ -	\$ 752	\$ -	\$ 752	\$ -
Cost avoidance from reduction in updating training materials	\$ 21,306	\$ -	\$ 19,656	\$ -	\$ 19,656	\$ -	\$ 19,656	\$ -	\$ 19,656	\$ -

C. Reduction in Regulatory Reporting

The removal of multiple sections of the FMR has resulted in multiple regulatory reports/reporting no longer being required. Due to a decrease in reports and reporting that is required in the FMR, GSA assumes that Federal employees will spend less time developing and reviewing reports.

These reports are primarily related to the FMR sections on motor vehicles (removed exempted motor vehicles report), personal property (removed eFAS and ESD module reports), real property (Art in Architecture—removed annual NAR report), transportation (removed the requirement for agencies to report on all paid transportation invoices) and mail (removed mail

expenditure report). These reports were previously required by the FMR, and their removal reduces the workload of employees. This results in cost avoidance by the time saved by the Federal employees that develop and review reports. It should be noted that in the calculations for this section, we only identified cost savings for GS–11s, GS–12s, GS–13s, and GS–14s.

To calculate the economic impact of the reduction in required reports and reporting, GSA estimated the number of employees needed to develop and review these reports, multiplied by the average time to develop and review these reports. This is the time saved by the reduction in reports. This number is multiplied by the hourly employee cost based on the average GS level of the

employee developing and reviewing the reports.

In Year 1–10, GSA estimates that for GS–11 employees, the total cost avoidance is \$166,656 (=2,800 hours × \$59.52). In Year 1–10, GSA estimates that for GS–12 employees, the total cost avoidance is \$3,568 (=50 hours × \$71.35). In Year 1–10, GSA estimates that for GS–13 employees, the total cost avoidance is \$848 (=10 hours × \$84.84). In Year 1–10, GSA estimates that for GS–14 employees, the total cost avoidance is \$201 (=2 hours × \$100.26).

A breakdown of the undiscounted total annual estimated cost avoidance by GS levels by year from the reduction in regulatory reporting is provided in the table below.

	year 1	year 2	year 3	year 4	year 5	year 6	year 7	year 8	year 9	year 10
Cost avoidance for GS 11s	\$ 166,656	\$ 166,656	\$ 166,656	\$ 166,656	\$ 166,656	\$ 166,656	\$ 166,656	\$ 166,656	\$ 166,656	\$ 166,656
Cost avoidance for GS 12s	\$ 3,568	\$ 3,568	\$ 3,568	\$ 3,568	\$ 3,568	\$ 3,568	\$ 3,568	\$ 3,568	\$ 3,568	\$ 3,568
Cost avoidance for GS 13s	\$ 848	\$ 848	\$ 848	\$ 848	\$ 848	\$ 848	\$ 848	\$ 848	\$ 848	\$ 848
Cost avoidance for GS 14s	\$ 201	\$ 201	\$ 201	\$ 201	\$ 201	\$ 201	\$ 201	\$ 201	\$ 201	\$ 201

D. Reduction in Additional Regulatory Activities

Due to a reduction in additional activities required in the FMR, GSA assumes Federal employees will be completing fewer required activities related to the FMR. These reduced activities include targeted Federal Advisory Committee Act (FACA) outreach (for FACA committee membership added in the April 2024 Final Rule (89 FR 27673, April 18, 2024)) and communications (no longer requiring public notice when removing excess personal property), a reduction in required updates to internal policies and plans (primarily related to agencies no longer being required to develop and execute sustainability plans), a consolidation of agency transportation systems (GSA will be consolidating procurement systems from other agencies), a reduction in Government Publishing Office (GPO) printing costs from reduced FMR page count, a reduction in the time to update content from the FMR that has been moved to desk guides, and a reduction in the amount of research and considerations needed to make decisions (primarily related to time saved by the removal of decision making considerations that were previously required for personal property). This results in cost avoidance from the time saved by Federal employees no longer required to complete these activities, as well as other associated costs.

To calculate the economic impact of the reduction in required outreach and communications, GSA estimated the number of Federal employees that needed to develop and send these communications, multiplied by the average time to develop and send these communications. This is the estimated amount of time saved from the reduction in outreach and communications. This number is multiplied by the hourly employee cost based on the average GS level of the employee that develops and sends these

communications. GSA estimates that in Year 1, the total net cost avoidance from the reduction in required outreach and communications is \$4,298,968 $(= (30,000 \text{ hours} \times \$49.20[\text{GS9}] + (35,014.5 \text{ hours} \times \$84.84[\text{GS13}] - (880 \text{ hours} \times \$100.26[\text{GS14}] - \$59,434 [\text{Additional annual Federal Register publishing costs}])).$ GSA estimates that in Year 2, the total net cost avoidance from the reduction in required outreach and communications is \$2,944,455 $(= (30,000 \text{ hours} \times \$49.20[\text{GS9}] + (19,049.00 \text{ hours} \times \$84.84[\text{GS13}] - (880 \text{ hours} \times \$100.26[\text{GS14}] - \$59,433.60 [\text{Additional annual printing costs}])).$ GSA estimates that in Year 3–10, the total net cost avoidance from the reduction in required outreach and communications is \$1,422,680 $(= (30,000 \text{ hours} \times \$49.20[\text{GS9}] + (1,112.00 \text{ hours} \times \$84.84[\text{GS13}] - (880 \text{ hours} \times \$100.26[\text{GS14}] - \$59,433.60 [\text{Additional annual printing costs}])).$

To calculate the economic impact of the reduction in required updates to internal policies and plans, GSA estimated the number of employees that needed to develop and update these policies and plans, multiplied by the average time to develop and update these policies and plans, multiplied by the frequency that these policies and plans needed to be updated. This is the estimated amount of time saved from the reduction in required updates to internal policies and plans. This is multiplied by the hourly employee cost based on the average GS level of the employee that developed and updated these policies and plans. GSA estimates that in Year 1, the total net cost avoidance from the reduction in required updates to internal policies and plans is \$47,292,413 $(= (800,000 \text{ hours} \times \$59.52[\text{GS11}] - (493.5 \text{ hours} \times \$71.35[\text{GS12}] + (240 \text{ hours} \times \$84.84[\text{GS13}] - (3774 \text{ hours} \times \$100.26[\text{GS14}] + (834 \text{ hours} \times \$117.93[\text{GS15}] + (2 \text{ hours} \times \$144.91[\text{SES}]) - (\$29,000 [\text{one time cost for updating FACA database}])).$ GSA estimates that in Year 2, the total net

cost avoidance from the reduction in required updates to internal policies and plans is \$47,476,842.38 $(= (800,000 \text{ hours} \times \$59.52[\text{GS11}] + (240 \times \$84.84[\text{GS13}] - (2,829 \text{ hours} \times \$100.26[\text{GS14}] + (1,050 \text{ hours} \times \$117.93[\text{GS15}] + (2 \text{ hours} \times \$144.91[\text{SES}])).$ GSA estimates that in Years 3–10, the total net cost avoidance from the reduction in required updates to internal policies and plans is \$47,570,697 $(= (800,000 \text{ hours} \times \$59.52[\text{GS11}] + (240 \times \$84.84[\text{GS13}] - (1,890 \text{ hours} \times \$100.26[\text{GS14}] + (1,050 \text{ hours} \times \$117.93[\text{GS15}])).$

To calculate the economic impact of the consolidation of agency transportation services, GSA used its annual operating and maintenance costs for maintaining its current Transportation Management Services Solution as a baseline, multiplied by the number of agencies that will remove their current transportation systems by utilizing GSA's Transportation Management Services Solution. GSA estimates that in Years 1–10, the total net cost avoidance from the consolidation of these transportation services is \$15,645,936 $(= \$1,955,742 [\text{annual O\&M cost for GSA's Transportation Management Services Solution}] \times 8 [\text{Number of agencies that will remove their current transportation systems by utilizing GSA's Transportation Management Services Solution}])).$

To calculate the economic impact of the reduction in GPO publishing costs from reduced FMR page count, GSA estimates the average publishing costs for GPO to publish a single page, multiplied by the number of pages that were reduced from the FMR, multiplied by the average frequency with which the FMR would need to be printed by GPO. GSA estimates that in Years 1–10, the total net cost avoidance from the reduction in publishing costs is \$39,865 $(= 469 \text{ fewer printed pages} \times \$85 \text{ for GPO to print a page from MS Word}).$

To calculate the economic impact of moving content from the FMR to desk guides, GSA estimates the average cost of updating a section of the FMR based on the amount of time spent on updates, multiplied by the hourly employee cost based on the average GS levels of the employees involved. That number is multiplied by the number of sections that are removed from the FMR. GSA assumes these sections would need to be updated every 5 years on average. GSA estimates that in Year 1 and 6, the total net cost avoidance of moving content from the FMR to desk guides is 7,034,479 $(=((2,080 \text{ hours} \times \$84.84[\text{GS13}]) + (2,080 \text{ hours} \times \$100.26[\text{GS14}]) + (40 \text{ hours} \times$

$\$144.91[\text{SES}])) \times 18$ [number of sections wholly removed from FMR]).

To calculate the economic impact of a reduction in the amount of research and considerations needed to make decisions, GSA estimated the number of employees that needed to conduct additional research or considerations based on requirements in the FMR, multiplied by the average amount of time on average it would take to conduct this additional research. This is the estimated amount of time saved by the reduction in the amount of research and considerations needed to make decisions. This number is multiplied by the hourly employee cost based on the average GS level that is needed to

conduct this additional research. GSA estimates that in Years 1–10, the total net cost avoidance from the reduction in required outreach and communications is \$10,869,180 $(=(30,000 \text{ hours} \times \$49.20[\text{GS9}]) + (30,000 \text{ hours} \times \$59.52[\text{GS11}]) + (43,500 \text{ hours} \times \$71.35) + (51,160 \text{ hours} \times \$84.84[\text{GS13}]) + (1,610 \text{ hours} \times \$100.26[\text{GS14}]) + (5 \text{ hours} \times \$117.93[\text{GS15}]) + (10 \text{ hours} \times \$143.20[\text{US District Court Judge Average Hourly Rate}]))$.

A breakdown of the undiscounted total annual estimated cost avoidance by year from the reduction in additional regulatory activities is provided in the table below.

	year 1	year 2	year 3	year 4	year 5	year 6	year 7	year 8	year 9	year 10
Cost avoidance from reduction in outreach and communications	\$ 4,298,968	\$ 2,944,455	\$ 1,422,680	\$ 1,422,680	\$ 1,422,680	\$ 1,422,680	\$ 1,422,680	\$ 1,422,680	\$ 1,422,680	\$ 1,422,680
Cost avoidance from reduction in updates to internal policies and plans	\$ 47,292,413	\$ 47,476,842	\$ 47,570,697	\$ 47,570,697	\$ 47,570,697	\$ 47,570,697	\$ 47,570,697	\$ 47,570,697	\$ 47,570,697	\$ 47,570,697
Cost avoidance from consolidation of agency transportation services systems	\$15,645,936	\$15,645,936	\$15,645,936	\$15,645,936	\$15,645,936	\$15,645,936	\$15,645,936	\$15,645,936	\$15,645,936	\$15,645,936
Cost avoidance from reduction in GPO Printing	\$ 39,865	\$ 39,865	\$ 39,865	\$ 39,865	\$ 39,865	\$ 39,865	\$ 39,865	\$ 39,865	\$ 39,865	\$ 39,865
Cost avoidance from moving content to desk guides	\$ 7,034,479	\$ -	\$ -	\$ -	\$ -	\$ 7,034,479	\$ -	\$ -	\$ -	\$ -
Cost avoidance from reduction in additional research and considerations for decision making	\$ 10,869,180	\$ 10,869,180	\$ 10,869,180	\$ 10,869,180	\$ 10,869,180	\$ 10,869,180	\$ 10,869,180	\$ 10,869,180	\$ 10,869,180	\$ 10,869,180

2. Economic Impact to Large and Small Entities

A. Reduction of Regulatory Text

Due to reduced page count, GSA assumes private sector employees will no longer need to familiarize themselves with the removed duplicative content in the FMR. This results in cost avoidance from the time saved by the private sector employees reading the FMR. To calculate economic impact, GSA estimated the number of private sector employees that need to familiarize themselves with the different sections of the FMR, multiplied by the number of page reductions for each section, then

multiplied by an assumed average reading speed per page. This is the estimated amount of time saved by the reduction of pages. This number is multiplied by the hourly cost of the private sector employee based on average GS level equivalents that no longer need to familiarize themselves with the removed duplicative content. GSA assumes that in every subsequent year, these private sector employees would spend half that time to refresh their knowledge of that section. GSA estimates that in Year 1, the total cost avoidance for GS13 equivalent employees is \$1,027,412 $(=12,110 \text{ hours} \times \$84.84)$. GSA estimates that in Years

2–10, the total cost avoidance for GS13 equivalent employees is \$513,706 $(=6,055 \times \$84.84)$. GSA estimates that in Year 1, the total cost avoidance for GS15 equivalent employees is \$19,688 $(=166.95 \text{ hours} \times \$117.93)$. GSA estimates that in Years 2–10, the total cost avoidance is \$10,030 $(=85.05 \text{ hours} \times \$117.93)$.

A breakdown of the undiscounted total annual estimated cost avoidance by private sector GS level equivalents by year from reduction in regulatory text is provided in the table below.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Cost avoidance for GS13 equivalents	\$ 1,027,412	\$ 513,706	\$ 513,706	\$ 513,706	\$ 513,706	\$ 513,706	\$ 513,706	\$ 513,706	\$ 513,706	\$ 513,706
Cost avoidance for GS15 equivalents	\$ 19,688	\$ 10,030	\$ 10,030	\$ 10,030	\$ 10,030	\$ 10,030	\$ 10,030	\$ 10,030	\$ 10,030	\$ 10,030

B. Reduction in Additional Regulatory Activities

Due to a reduction in additional activities required in the FMR, GSA assumes cost avoidance from the time saved by private sector employees that are no longer required to complete these activities. These reduced additional activities include a reduction in required forms, and a reduction in the amount of research and considerations needed to make decisions.

To calculate the economic impact of a reduction in the amount of research and considerations needed to make decisions, GSA estimated the number of private sector employees that needed to conduct additional research or considerations based on requirements in the FMR, multiplied by the amount of time on average it would take to conduct this additional research. This is

the estimated amount of time saved by the reduction in the amount of research and considerations needed to make decisions. This number is multiplied by the hourly cost of the private sector employee based on average GS level equivalents.

GSA estimates that in Year 1–10, the cost avoidance from a reduction in additional activities required by the private sector is \$1,532 (20 hours × \$76.61[estimated private sector salary]).

Due to a decrease in forms required in the FMR, GSA assumes that private sector employees will spend less time completing and submitting forms. This results in cost avoidance for the time saved by the private sector employees that no longer need to complete these forms.

To calculate economic impact, GSA estimated the number of private sector employees that needed to complete

required forms according to the FMR, multiplied by estimated average amount of time to complete these forms. This is the estimated amount of time saved by the reduction in forms. This number is multiplied by the hourly cost of the private sector employee based on average GS level equivalents.

GSA estimates in Year 1, the total cost avoidance from a reduction in required forms for the private sector is \$20,636 (=637.5 hours × \$32.37[estimated private sector salary]). GSA estimates in Year 2–10, the total cost avoidance from a reduction in required forms for the private sector is \$2,428 (=75 hours × \$32.37[estimated private sector salary]).

A breakdown of the undiscounted total annual estimated cost avoidance by year from the reduction in additional regulatory activities is provided in the table below.

	year 1	year 2	year 3	year 4	year 5	year 6	year 7	year 8	year 9	year 10
Additional cost avoidance from reduction in additional research and considerations for decision making	\$ 1,532	\$ 1,532	\$ 1,532	\$ 1,532	\$ 1,532	\$ 1,532	\$ 1,532	\$ 1,532	\$ 1,532	\$ 1,532
Cost avoidance from reduction in required forms	\$ 20,636	\$ 2,428	\$ 2,428	\$ 2,428	\$ 2,428	\$ 2,428	\$ 2,428	\$ 2,428	\$ 2,428	\$ 2,428

3. Total Overall Economic Impact

The undiscounted estimated total overall net cost avoidance over a ten-year period for public entities (large and small) is \$5,818,533. The undiscounted

estimated total overall net cost avoidance over a ten-year period for the Government is \$897,816,443. The undiscounted estimated total overall net cost avoidance over a ten-year period for both public entities and the Government

is \$903,634,975. The table below summarizes the undiscounted estimated total overall net cost avoidance over a ten-year period from deregulations made to the FMR.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total Impact
Total Cost Avoidance for Public (Large and Small Entities)- Net Impact	\$ 1,069,269	\$ 527,696	\$ 527,696	\$ 527,696	\$ 527,696	\$ 527,696	\$ 527,696	\$ 527,696	\$ 527,696	\$ 527,696	\$ 5,818,533
Total Cost Avoidance for Government - Net Impact	\$ 98,774,868	\$ 89,206,243	\$ 87,921,891	\$ 87,778,322	\$ 87,921,891	\$ 94,812,801	\$ 87,921,891	\$ 87,778,322	\$ 87,921,891	\$ 87,778,322	\$ 897,816,443
Total Impact	\$ 99,844,137	\$ 89,733,939	\$ 88,449,587	\$ 88,306,018	\$ 88,449,587	\$ 95,340,497	\$ 88,449,587	\$ 88,306,018	\$ 88,449,587	\$ 88,306,018	\$ 903,634,975

The discounted estimated total overall net cost avoidance over a 10-year period is \$772,189,519 at a 3-percent discount

rate and \$637,329,436 at a 7-percent discount rate. The following is a summary of the estimated costs

calculated for a 10-year time horizon at a 3- and 7-percent discount rate:

Summary	Total Cost Avoidance
Present Value (3 percent)	\$ 772,189,519
Annualized Cost Avoidance (3 percent)	\$ 90,524,168
Present Value (7 percent)	\$ 637,329,436
Annualized Cost Avoidance (7 percent)	\$ 90,741,374

IV. Administrative Procedure Act

This rulemaking is exempt from the advance notice-and-comment and delayed-effective-date requirements of the Administrative Procedure Act (APA) pursuant to 5 U.S.C. 553(a)(2), because this rulemaking relates to agency management or personnel or to public property, loans, grants, benefits, or contracts. This rulemaking relates to both GSA's agency management and public property because it applies to Federally owned facilities and the disposition of personal property under

the jurisdiction, custody and control of GSA.

V. Executive Orders 12866, 13563, and 14192

E.O. 12866 (Regulatory Planning and Review) directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, of reducing costs, of

harmonizing rules, and of promoting flexibility. The Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) has determined that this rule is a significant regulatory action and, therefore, it was reviewed under section 6(b) of E.O. 12866. This action is considered an E.O. 14192 deregulatory action. We estimate that this rule generates \$84.44 million in annualized cost savings at a 7 percent discount rate, discounted relative to year 2024, over a perpetual time horizon.

VI. Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (codified at 5 U.S.C. 801–808), is also known as the Congressional Review Act or CRA. The CRA generally provides that before a rule may take effect, unless excepted, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. This action is excepted from CRA reporting requirements prescribed under 5 U.S.C. 801 as it relates to agency management or personnel under 5 U.S.C. 804(3)(B) and is therefore not a “rule” for purposes of the CRA. OIRA has further determined that this action does not meet the definition of a major rule under 5 U.S.C. 804(2).

VII. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This final rule is also exempt from the APA pursuant to 5 U.S.C. 553(a)(2) because it applies to agency management or personnel or to public property, loans, grants, benefits, or contracts. Therefore, an Initial Regulatory Flexibility Analysis was not performed.

VIII. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of OMB under 44 U.S.C. 3501, *et seq.*

IX. Severability

This rule contains significant deletions across 41 CFR parts 102–3, 102–5, 102–33, 102–34, 102–35, 102–36, 102–37, 102–38, 102–39, 102–40, 102–41, 102–42, 102–71, 102–72, 102–73, 102–74, 102–75, 102–76, 102–77, 102–78, 102–79, 102–80, 102–81, 102–82, 102–83, 102–85, 102–117, 102–118, and 102–192. Deleted passages address a variety of distinct and unrelated topics, subtopics and individual circumstances and GSA considers each deletion to be separate and severable from one another. In the event of a stay or invalidation of any particular deletion, the remaining deletions would not be impacted and therefore would continue to function effectively. Restored provisions would not render remaining deletions unworkable. It is GSA’s

intention that the remaining deletions remain in effect.

GSA is adding a new section on severability at 41 CFR 102–3.190, which states that all provisions included in part 102–3 are separate and severable from one another.

Regulations concerning Federal Advisory Committee Management do a number of things—from outlining public notification requirements to explaining the role of an agency head. Overall, each constituent element in part 102–3 operates independently to help ensure that standards and uniform procedures govern the establishment, operation, administration, and duration of advisory committees. See sec. 2(b)(4) of the Federal Advisory Committee Act, as amended (codified at 5 U.S.C. 1002(b)(4)).

Accordingly, if any particular provision in part 102–3 were to be stayed or invalidated by a reviewing court, the remaining provisions would continue to function effectively for advisory committees. For example, if 41 CFR 102–3.75 on charter requirements were invalidated, that would not make 41 CFR 102–3.155, which lists the requirements for facilitating an advisory committee meeting that is closed to the public, unworkable. Likewise, if 41 CFR 102–3.60(b)(3) on attaining fairly balanced membership were invalidated, that would not prevent an agency from relying on the definitions in 41 CFR 102–3.25 to understand what “committee staff” means.

Further, any cross-references that appear throughout part 102–3 are duplicative and are intended only to make the regulations more user-friendly. Invalidation of a particular provision that is cross-referenced elsewhere will not materially alter the provision that contains the cross-reference.

In summary, removal of any particular provision from part 102–3 would not render the entire regulatory scheme unworkable. Thus, GSA considers each of the provisions in part 102–3 to be separate and severable from one another. In the event of a stay or invalidation of any particular provision, it is GSA’s intention that the remaining provisions shall continue in effect.

GSA is also adding a new provision on severability at 41 CFR 102–71.120, which states that all provisions included in part 102–71 are separate and severable from one another.

If any particular term or provision in part 102–71, or the application thereof to any agency or circumstance, is determined by a court of competent jurisdiction to be invalid or unenforceable, the remaining terms or provisions, or the application of such

term or provision to agencies or circumstances other than those to which it is invalid or unenforceable, will not be affected thereby, and each term and provision of this rule will be valid and be enforced to the fullest extent permitted by law.

Further, any cross-references that appear throughout part 102–71 are duplicative and are intended only to make the regulations more user-friendly. Invalidation of a particular provision that is cross-referenced elsewhere will not materially alter the provision that contains the cross-reference.

In summary, removal of any particular provision from part 102–71 would not render the entire regulatory scheme unworkable. Thus, GSA considers each of the provisions in part 102–71 to be separate and severable from one another. In the event of a stay or invalidation of any particular provision, it is GSA’s intention that the remaining provisions will continue in effect.

X. Signing Authority

The Acting Administrator of GSA, Michael Rigas, having reviewed and approved this document, is delegating the authority to electronically sign this document to Larry Allen, who is the Associate Administrator of the Office of Government-wide Policy, for purposes of publication in the **Federal Register**.

List of Subjects

41 CFR Part 102–3

Advisory committees, Government property management.

41 CFR Part 102–5

Government property management, Transportation.

41 CFR Part 102–33

Accounting, Aircraft, Aviation safety, Government property management.

41 CFR Part 102–34

Energy conservation, Government property management, Motor vehicles, Reporting and recordkeeping requirements.

41 CFR Part 102–35

Government employees.

41 CFR Part 102–36

Government property management, Surplus Government property.

41 CFR Part 102–37

Government property management, Homeless, Reporting and recordkeeping requirements, Surplus Government property.

41 CFR Parts 102–38 and 102–39

Government property management, Surplus Government property.

41 CFR Parts 102–40 and 102–41

Government property management.

41 CFR Part 102–42

Conflict of interests, Decorations, Foreign relations, Government property, Government property management.

41 CFR Part 102–71

Administrative practice and procedure, Federal buildings and facilities, Government property, Government property management, Rates and fares.

41 CFR Part 102–72

Administrative practice and procedure, Federal buildings and facilities, Government property management, Organization and functions (Government agencies), Rates and fares.

41 CFR Part 102–73

Administrative practice and procedure, Federal buildings and facilities, Real property acquisition.

41 CFR Part 102–74

Blind, Concessions, Energy conservation, Federal buildings and facilities, Fire prevention, Government property management, Parking, Rates and fares.

41 CFR Part 102–75

Federal buildings and facilities, Government property management, Rates and fares, Surplus Government property.

41 CFR Part 102–76

Energy conservation, Federal buildings and facilities, Government property management, Individuals with disabilities, Real property acquisition, Security measures.

41 CFR Part 102–77

Federal buildings and facilities, Government property management, Rates and fares.

41 CFR Part 102–78

Federal buildings and facilities, Government property management, Historic preservation, Rates and fares.

41 CFR Part 102–79

Federal buildings and facilities, Government property management, Rates and fares.

41 CFR Part 102–80

Federal buildings and facilities, Fire prevention, Government property

management, Occupational safety and health, Rates and fares.

41 CFR Part 102–81

Federal buildings and facilities, Government property management, Rates and fares, Security measures.

41 CFR Part 102–82

Federal buildings and facilities, Government property management, Rates and fares, Utilities.

41 CFR Parts 102–83 and 102–85

Federal buildings and facilities, Government property management, Rates and fares.

41 CFR Part 102–117

Freight, Government property management, Moving of household goods, Reporting and recordkeeping requirements, Transportation.

41 CFR Part 102–118

Accounting, Claims, Government property management, Reporting and recordkeeping requirements, Transportation.

41 CFR Part 102–192

Government property management, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Security measures.

41 CFR Part 102–193

Archives and records, Computer technology, Government property management.

Larry Allen,

Associate Administrator, Office of Government-wide Policy.

For the reasons stated in the preamble, GSA amends 41 CFR chapter 102 as follows:

- 1. Revise part 102–3 to read as follows:

PART 102–3—FEDERAL ADVISORY COMMITTEE MANAGEMENT

Subpart A—Federal Advisory Committee Management Policies

Sec.

102–3.5 Coverage and application of this part.

102–3.10 Purpose and scope of the Federal Advisory Committee Act.

102–3.15–102–3.20 [Reserved]

102–3.25 Definitions.

102–3.30 [Reserved]

102–3.35 Policies governing the use of subcommittees.

102–3.40 Activities, committees, or groups not covered by the Act and this part.

Subpart B—Establishment, Renewal, Reestablishment, Merger, and Termination of Advisory Committees

102–3.45 Requirements for establishing and terminating advisory committees.

102–3.50 Authorities for establishing advisory committees.

102–3.55 Duration of advisory committees.

102–3.60 Procedures for establishing, renewing, reestablishing, or merging discretionary advisory committees.

102–3.65 Public notification requirements for discretionary advisory committees.

102–3.70 Filing requirements for advisory committee charters.

102–3.75 Content of advisory committee charters.

102–3.80 Amendments to advisory committee charters.

102–3.85 [Reserved]

Subpart C—Management of Advisory Committees

102–3.90 Responsibilities and functions under this subpart.

102–3.95 Principles for managing advisory committees.

102–3.100 Responsibilities and functions of GSA.

102–3.105 Responsibilities of an agency head.

102–3.110 Responsibilities of a chairperson of an independent Presidential advisory committee.

102–3.115 Responsibilities and functions of a CMO.

102–3.120 Responsibilities and functions of a DFO.

102–3.125 Agency administrative guidelines to implement an advisory committee.

102–3.130 Policies for appointment, and compensation or reimbursement of advisory committee members.

Subpart D—Advisory Committee Meeting and Recordkeeping Procedures

102–3.135 Coverage and application of this subpart.

102–3.140 Policies for advisory committee meetings.

102–3.145 Policies for subcommittee meetings.

102–3.150 Announcement of advisory committee meetings to the public.

102–3.155 Procedures for closing advisory committee meetings to the public.

102–3.160 Activities of advisory committees not subject to notice and open meeting requirements.

102–3.165 Documentation of advisory committee meetings.

102–3.170 Access to advisory committee records.

102–3.175 Reporting and recordkeeping requirements for advisory committees.

Subpart E—Advice or Recommendations Provided to Agencies by the National Academy of Sciences or the National Academy of Public Administration

102–3.180 Coverage and application of this subpart.

102–3.185 Requirements for agencies using advice from NAS or NAPA.

Subpart F—Severability

102–3.190 Severability of provisions.

Authority: 40 U.S.C. 121; 5 U.S.C. chapter 10; and E.O. 12024, 42 FR 61445, 3 CFR, 1977 Comp., p. 158.

Subpart A—Federal Advisory Committee Management Policies**§ 102–3.5 Coverage and application of this part.**

This part provides the policy framework and establishes minimum requirements that must be used by agency heads and Federal officers in applying the Federal Advisory Committee Act, as amended (FACA or “the Act”), 5 U.S.C. chapter 10, to advisory committees they establish and operate. This part 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, including any advisory committee or officer, member, employee, agent, or contractor of any advisory committee.

§ 102–3.10 Purpose and scope of the Federal Advisory Committee Act.

FACA governs the establishment, operation, administration, and termination of advisory committees within the executive branch of the Federal Government. The Act defines what constitutes a Federal advisory committee, provides general procedures for the executive branch to follow for operating an advisory committee, and is designed to assure that the Congress and the public are kept informed with respect to the number, purpose, membership, activities, recommendations, outcomes, and cost of advisory committees through reporting requirements.

§§ 102–3.15—102–3.20 [Reserved]**§ 102–3.25 Definitions.**

The following definitions apply to this part:

Act means the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. chapter 10.

Administrator means the Administrator of General Services.

Advisory committee means any committee, board, commission, council, conference, panel, task force, or other similar group, which is established by statute, or established or utilized by the President or by an agency official, for the purpose of obtaining the group’s advice or recommendations for the President or on issues or policies within the scope of agency responsibilities (codified at 5 U.S.C. 1001). Advisory

committees are subject to the Act unless specifically exempted by the Act, or by other statutes, or not covered by this part.

Agency has the same meaning as in 5 U.S.C. 551(1).

Agency head means the head of an executive branch agency, department, or commission, or their designated delegate.

Chairperson means the advisory committee or subcommittee member who serves in this role on an advisory committee or subcommittee by statutory requirement, or by appointment or invitation by Presidential authority or an agency’s authority.

Committee Management Officer (CMO) means the individual designated by the agency head to implement the provisions of sec. 8(b) of the Act (codified at 5 U.S.C. 1007(b)) and any delegated responsibilities of the agency head under the Act.

Committee Management Secretariat (Secretariat) means the organization established pursuant to sec. 7(a) of the Act (codified at 5 U.S.C. 1006(a)), which is responsible for all matters relating to advisory committees and carries out the responsibilities of the Administrator under the Act and E.O. 12024 (3 CFR, 1977 Comp., p. 158).

Committee meeting means any gathering of advisory committee members (whether in person or electronically, such as using telecommunications or through a virtual platform), held with the approval of an agency, and with a Designated Federal Officer in attendance, for the purpose of deliberating on the matters upon which the advisory committee provides advice or recommendations.

Committee member means an individual who serves by appointment or invitation by the appointing authority on an advisory committee or subcommittee.

Committee staff means any Federal employee, private individual, or other party (whether under contract or not) who is not a committee member, and who serves in a support capacity to an advisory committee or subcommittee.

Designated Federal Officer (DFO) means an individual designated by the agency head, for each advisory committee for which the agency head is responsible, to implement the provisions of secs. 10(e) and (f) of the Act (codified at 5 U.S.C. 1009(e) and (f)) and any advisory committee procedures of the agency under the control and supervision of the CMO.

Discretionary advisory committee means any advisory committee that is established under the authority of an agency head or authorized by statute,

and its establishment or termination is within the legal discretion of an agency head.

Independent Presidential advisory committee means any Presidential advisory committee not assigned by the Congress, or by the President or the President’s delegate, to an agency for administrative and other support.

Non-discretionary advisory committee means any advisory committee either required by statute or by Presidential directive, and its establishment or termination is beyond the legal discretion of an agency head.

Presidential advisory committee means any advisory committee authorized by the Congress or directed by the President to advise the President.

Subcommittee means a group that reports to an advisory committee, and not directly to a Federal officer or agency, whether or not its members are drawn in whole or in part from the parent advisory committee.

Utilized by means a committee over which the President or a Federal officer or agency exercises actual management or control of its operation, whether or not it was established by the Federal Government.

§ 102–3.30 [Reserved]**§ 102–3.35 Policies governing the use of subcommittees.**

In general, the requirements of the Act and the policies of this part do not apply to subcommittees of advisory committees as long as the subcommittee reports only to that parent advisory committee and not directly to a Federal officer or agency. However, before establishing a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee, the head of the agency shall follow the same consultation process and document in writing the same determination of need for the subcommittee as is required under § 102–3.60(a) for the creation of a discretionary advisory committee.

§ 102–3.40 Activities, committees, or groups not covered by the Act and this part.

In addition to the committees created by the National Academy of Sciences, Engineering, and Medicine and the National Academy of Public Administration (except as covered by subpart E of this part), the Central Intelligence Agency, and the Federal Reserve, the following are examples of committees or groups that are not covered by the Act or this part:

(a) Any advisory committee established or utilized by the Office of the Director of National Intelligence, if the Director of National Intelligence

determines that for reasons of national security such advisory committee cannot comply with the requirements of the Act;

(b) Committees specifically exempted by statute;

(c) Committees created by non-Federal entities and not actually managed or controlled by the executive branch;

(d) Groups assembled where attendees provide individual advice to a Federal official(s);

(e) Groups assembled to exchange facts or information with a Federal official(s);

(f) Any committee composed wholly of full-time or permanent part-time officers or employees of the Federal Government and elected officers of State, local, and Tribal governments (or their designated employees with authority to act on their behalf), acting in their official capacities, and exclusively discussing matters relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration (sec. 204(b) of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1534(b), and Office of Management and Budget (OMB) Memorandum M-95-20, dated September 21, 1995);

(g) Any committee composed wholly of full-time or permanent part-time officers or employees of the Federal Government;

(h) Local civic groups whose primary function is that of rendering a public service with respect to a Federal program;

(i) Groups established to advise State or local officials;

(j) Any committee established to perform primarily operational as opposed to primarily advisory functions. Operational functions are those specifically authorized by statute or Presidential directive, such as making or implementing Government decisions or policy. A committee designated operational may be covered by the Act if it becomes primarily advisory in nature;

(k) Meetings where individual rather than consensus advice is sought, such as roundtable discussions, workshops, townhall meetings, listening sessions, fact-finding meetings, meetings with an individual, or meetings with small groups of experts that do not involve regular meetings and collective recommendations;

(l) Public engagement that is required by statutes, including but not limited to: notice and comment rulemaking under the Administrative Procedure Act (5

U.S.C. 551-559), public meetings required under the National Environmental Policy Act (42 U.S.C. 4321), or public participation under the Resource Conservation and Recovery Act (42 U.S.C. 6974(b)), the Clean Water Act (33 U.S.C. 1251(e)), or the Safe Drinking Water Act (42 U.S.C. 300j-9) and the National Historic Preservation Act section 106 (54 U.S.C. 306108);

(m) Meetings with pre-existing non-governmental groups such as trade associations, advocacy groups, veterans organizations, environmental groups, or religious organizations where each group already has formulated views that it seeks to share with the Government; and

(n) Meetings where an agency is either providing its views to the private sector, or is assisting the private sector in developing guidance for itself.

Subpart B—Establishment, Renewal, Reestablishment, Merger, and Termination of Advisory Committees

§ 102-3.45 Requirements for establishing and terminating advisory committees.

Requirements for establishing and terminating advisory committees vary depending on the establishing entity and the source of authority for the advisory committee. This subpart covers the procedures associated with the establishment, renewal, reestablishment, merger, and termination of advisory committees.

§ 102-3.50 Authorities for establishing advisory committees.

FACA identifies four sources of authority for establishing an advisory committee:

(a) *Required by statute.* By law where Congress establishes an advisory committee, or specifically directs the President or an agency to establish it (non-discretionary);

(b) *Presidential authority.* By Presidential directive (non-discretionary);

(c) *Authorized by statute.* By law where Congress authorizes, but does not direct the President or an agency to establish it (discretionary); or

(d) *Agency authority.* By an agency under general authority in title 5 of the United States Code or under other agency-authorizing statutes (discretionary).

§ 102-3.55 Duration of advisory committees.

(a) An advisory committee automatically terminates two years after its date of establishment unless:

(1) The statutory authority used to establish the advisory committee provides a different duration or

termination, either stated in or implied by operation of the statute;

(2) The President or agency head as applicable determines that the advisory committee has fulfilled the purpose for which it was established and terminates the advisory committee earlier;

(3) The President or agency head as applicable determines that the advisory committee is no longer carrying out the purpose for which it was established and terminates the advisory committee earlier; or

(4) The President or agency head as applicable renews the advisory committee not later than two years after its date of establishment, renewal, or reestablishment in accordance with § 102-3.60. If the President or an agency needs an advisory committee that was terminated, it can be reestablished in accordance with § 102-3.60.

(b) When an advisory committee terminates, the agency shall notify the Secretariat of the effective date of the termination.

§ 102-3.60 Procedures for establishing, renewing, reestablishing, or merging discretionary advisory committees.

(a) *Consultation with the Secretariat.* To establish, renew, reestablish, or merge a discretionary advisory committee, the agency head must first consult with the Secretariat and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat documenting that the establishment, renewal, reestablishment, or merger of the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government. At a minimum, the following factors should be addressed in the written public interest determination provided to the Secretariat (with a copy to OMB) to demonstrate that establishing the committee is in the public interest:

(1) Annual budget and expected costs broken into:

(i) Federal personnel (based on full-time equivalent (FTE) usage basis) and other Federal internal costs;

(ii) Proposed payments to members and number of members; and

(iii) Reimbursable costs;

(2) If applicable, the total dollar value of grants expected to be recommended during the fiscal year;

(3) Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership;

(4) List of all other Federal advisory committees of the agency;

(5) Justification that the information or advice provided by the Federal advisory committee is not available from another Federal advisory committee, another Federal Government source or any other more cost-effective and less burdensome source; and

(6) If the justification relates to a renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

(b) *Agency considerations for fairly balanced membership.* To comply with the Act's requirement for fairly balanced membership, during the Federal advisory committee member recruitment process agencies should consider the following:

(1) *The points of view required.* During the formation of the advisory committee membership and as membership vacancies occur, agencies should ensure that they fully consider and understand the potential implications or anticipated impacts of the advisory committee's potential recommendations. This includes consideration of the groups and entities potentially affected or interested in such recommendations, as appropriate based on the nature and functions of the advisory committee, so that the agency can make informed decisions on the areas of expertise or perspectives that would advance the work of the advisory committee. Advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed by the committee.

(2) *Outreach.* Having identified the points of view that would promote a fairly balanced advisory committee membership, agencies should conduct broad outreach.

§ 102–3.65 Public notification requirements for discretionary advisory committees.

A notice to the public in the **Federal Register** is required when a discretionary advisory committee is established, renewed, reestablished, or merged.

(a) *Procedure.* Upon receipt of the written public interest determination approved by the head of the agency and information required in accordance with § 102–3.60(a), the Secretariat may provide an assessment to the agency (with a copy to OMB) as to its views on whether establishment of the advisory committee is in the public interest. Following receipt of this assessment or notification from the Secretariat that no such assessment will be produced, the agency must publish a notice in the

Federal Register announcing that the advisory committee is being established, renewed, reestablished, or merged. The notice must include the written public interest determination approved by the head of the agency described in § 102–3.60(a) and any assessment provided by the Secretariat.

(b) *Time required for notices.* The required notices for establishment, renewal, reestablishment, or merger must appear at least 7 calendar days before the charter is filed, except that the Secretariat may approve less than 7 calendar days when requested by the agency in exceptional circumstances.

§ 102–3.70 Filing requirements for advisory committee charters.

No advisory committee may meet or take any action until a charter has been filed by the CMO or by another agency official designated by the agency head.

(a) *Requirement for discretionary advisory committees.* To amend a charter, or establish (including due to a merger), renew, or reestablish a discretionary advisory committee, a charter must be filed with:

(1) The agency head;

(2) The standing committees of the Senate and the House of Representatives having legislative jurisdiction of the agency, the date of filing with which constitutes the official date of establishment for the advisory committee;

(3) The Library of Congress;

(4) The Secretariat, indicating the date the charter was filed in accordance with paragraph (a)(2) of this section; and

(5) OMB.

(b) *Requirement for non-discretionary advisory committees.* Charter filing requirements for non-discretionary advisory committees are the same as those in paragraph (a) of this section, except that the date of establishment, renewal, merger, or reestablishment for a Presidential advisory committee is the date the charter is filed with the Secretariat.

§ 102–3.75 Content of advisory committee charters.

An advisory committee charter is intended to provide a description of an advisory committee's mission, goals, and objectives. The charter must contain the following information:

(a) The advisory committee's official designation (official name);

(b) The legal authority that permits the advisory committee to be established;

(c) The objectives and the scope of the advisory committee's activities;

(d) A description of the duties for which the advisory committee is

responsible and specification of the authority for any non-advisory functions;

(e) The agency or Federal officer to whom the advisory committee submits its recommendations;

(f) The agency responsible for providing the necessary support to the advisory committee, including the name of the President's delegate, agency, or organization responsible for fulfilling the reporting requirements of sec. 6(b) of the Act (codified at 5 U.S.C. 1005(b)), if appropriate;

(g) The estimated annual costs to operate the advisory committee in dollars and person years (FTE). The estimated costs should break down all costs into the three categories described in § 102–3.60(a);

(h) The estimated number and frequency of the advisory committee's meetings;

(i) The period of time necessary to carry out the advisory committee's purpose(s);

(j) The planned termination date, if less than two years from the date of establishment of the advisory committee;

(k) The estimated number of advisory committee members, the expertise or experience required, and the anticipated advisory committee member designations;

(l) Whether subcommittees may be created and by whom; and

(m) The date the charter is filed in accordance with § 102–3.70.

§ 102–3.80 Amendments to advisory committee charters.

The agency head is responsible for amending the charter of an advisory committee. Amending any existing advisory committee charter does not constitute renewal of the advisory committee under § 102–3.60. The procedures for making changes and filing amended charters will depend upon the authority basis for the advisory committee:

(a) *Non-discretionary advisory committees.* When Congress by law, or the President by Presidential directive (e.g., E.O.), changes the authorizing language that has been the basis for establishing an advisory committee, the agency head or the chairperson of an independent Presidential advisory committee must amend those sections of the current charter affected by the new statute or Presidential directive (e.g., E.O.), and file the amended charter as specified in § 102–3.70.

(b) *Discretionary advisory committees.* The agency head must amend the charter of a discretionary advisory committee when an agency head

determines that provisions of a filed charter are inaccurate or obsolete, specific provisions have changed, such as the name of the advisory committee, number of members, estimated number or frequency of meetings, objectives, or estimated costs, or when advisory committees need to be merged. The agency must then file the amended charter as specified in § 102–3.70.

(c) *Public notification of charter amendments.* Agencies must post an announcement and a copy of the charter amendment on the advisory committee website. If an advisory committee website is not available, the agency must publish a notice of amendment in the **Federal Register**. **Federal Register** notice publishing and website posting of charter amendments may be performed concurrently with the filing of the charter. The publishing requirement in the **Federal Register** does not apply to a non-discretionary advisory committee if the amendment was the result of a legislative change or Presidential directive.

§ 102–3.85 [Reserved]

Subpart C—Management of Advisory Committees

§ 102–3.90 Responsibilities and functions under this subpart.

This subpart outlines specific responsibilities and functions to be carried out by the U.S. General Services Administration (GSA), the agency head, the CMO, and the DFO under the Act.

§ 102–3.95 Principles for managing advisory committees.

Agencies are to apply the following principles to the management of their advisory committees:

(a) *Provide adequate support and access.* Before establishing an advisory committee, agencies should identify requirements and ensure that adequate resources are available to support anticipated activities, such as work and meeting space, necessary technology, supplies and equipment (*e.g.*, adequate virtual meeting capabilities), Federal staff support, access to key decisionmakers, and member access to meetings.

(b) *Practice openness.* Agencies should seek to be as transparent and timely as possible when providing public access to advisory committee activities and materials. Agencies should create public-facing websites at both the agency and advisory committee level to help the public understand an agency's advisory committee program, and use additional notification methods, as appropriate, to reach advisory committee stakeholders, pursuant to

sec. 10 of the Act (codified at 5 U.S.C. 1009).

(c) *Fiscal restraint.* Agencies should actively seek to minimize costs associated with advisory committees and should be transparent about all expenditures. Each agency shall keep records fully disclosing the amount budgeted to each committee, a detailed account of all committee expenditures and agency expenditures on behalf of the committee, and the nature and extent of their activities. This information should be provided as part of the annual comprehensive review and be reported by the Secretariat. If the committee has a website, the agency should provide accurate and up to date information regarding all committee expenditures and the justification for each expenditure on an annual basis.

§ 102–3.100 Responsibilities and functions of GSA.

(a) The responsibilities of the Administrator under sec. 7 of the Act (codified at 5 U.S.C. 1006) have been delegated by the Administrator to the Secretariat.

(b) The Secretariat is responsible for:

(1) Engaging in consultations with agencies on the establishment, reestablishment, renewal, merger, and termination of discretionary advisory committees;

(2) Prescribing guidance and regulations applicable to advisory committees;

(3) Assisting other agencies in implementing and interpreting the Act;

(4) Conducting a Government-wide annual comprehensive review of advisory committees to determine whether each committee is carrying out its purpose, whether the responsibilities assigned to the committee should be revised, and whether any committees should be merged or terminated;

(5) Collecting and analyzing data relating to the costs of individual advisory committees and agency FACA programs as well as the costs of the Government-wide program and the Secretariat;

(6) Designing and maintaining a FACA database to facilitate data collection, reporting, and use of information required by the Act; and

(7) Providing recommendations for transmittal by the Administrator to the President, Congress, or agency heads regarding actions that should be taken with regard to the FACA and its implementation.

§ 102–3.105 Responsibilities of an agency head.

When a committee is utilized by or established by an agency, the agency head must:

(a) Issue administrative guidelines and management controls consistent with guidance issued by the Administrator;

(b) Maintain information on the nature, functions, and operation of each advisory committee within its jurisdiction;

(c) Designate a CMO for the agency and a DFO for each advisory committee and its subcommittees;

(d) Approve the advisory committee charters for establishments, renewals, re-establishments, or mergers;

(e) Provide a written determination stating the reasons for closing any advisory committee meeting to the public, in whole or in part, in accordance with the exemptions set forth in the Government in the Sunshine Act, 5 U.S.C. 552b(c);

(f) Review, at least annually, the need to continue each existing advisory committee, consistent with the public interest and the purpose or functions of each advisory committee. This review must address all of the criteria listed in § 102–3.60;

(g) Develop procedures to assure that the advice or recommendations of advisory committees will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

(h) Assure that the interests and affiliations of committee members are reviewed for conformance with applicable conflict of interest statutes, regulations issued by the U.S. Office of Government Ethics (5 CFR chapter XVI, subchapter B) including any supplemental agency requirements, and other Federal ethics rules; and

(i) Appoint or invite individuals to serve on committees, unless otherwise provided for by a specific statute or Presidential directive.

§ 102–3.110 Responsibilities of a chairperson of an independent Presidential advisory committee.

The chairperson of an independent Presidential advisory committee must:

(a) Consult with the Secretariat concerning the designation of a CMO and DFO; and

(b) Consult with the Secretariat in advance regarding any proposal to close any meeting in whole or in part.

§ 102–3.115 Responsibilities and functions of a CMO.

In addition to implementing the provisions of sec. 8(b) of the Act (codified at 5 U.S.C. 1007(b)), the CMO will carry out all responsibilities delegated by the agency head and

manage the agency FACA program. The CMO also should ensure that secs. 10(b), 12(a), and 13 of the Act (codified at 5 U.S.C. 1009(b), 1011(a), and 1012, respectively) are implemented by the agency to provide for appropriate recordkeeping. Records to be kept by the CMO include, but are not limited to—

(a) *Charter and membership documentation.* A set of filed charters for each advisory committee and membership lists for each advisory committee and subcommittee;

(b) *Annual comprehensive review.* Copies of the information provided as the agency's portion of the annual comprehensive review of Federal advisory committees, prepared according to § 102–3.175(b);

(c) *Agency administrative guidelines.* Agency administrative guidelines maintained and updated on committee management operations and procedures; and

(d) *Closed meeting determinations.* Agency, or in the case of an independent Presidential advisory committee, Secretariat, determinations to close or partially close advisory committee meetings required by § 102–3.105(e).

§ 102–3.120 Responsibilities and functions of a DFO.

(a) The agency head or, in the case of an independent Presidential advisory committee, the Secretariat, must designate a Federal officer or employee to be the DFO for each advisory committee and its subcommittees, who must:

(1) Ensure that their committee activities comply with the Act, this part, their agency administrative procedures, and any other applicable laws and regulations;

(2) Approve or call all meetings of the advisory committee or subcommittee;

(3) Approve the agenda, except that this requirement does not apply to a Presidential advisory committee;

(4) Attend all advisory committee and subcommittee meetings for their duration;

(5) Adjourn any meeting when he or she determines it to be in the public interest;

(6) Chair any meeting when so directed by the agency head;

(7) Maintain information on advisory committee activities and provide such information to the public, as applicable; and

(8) Ensure advisory committee members and subcommittee members, as applicable, receive the appropriate training (e.g., FACA overview, ethics training) for compliance with the Act and this part.

(b) The DFO should ensure a public-facing website is created and maintained for each advisory committee, and include information such as: the advisory committee charter; relevant laws, regulations, and guidance; advisory committee member rosters; **Federal Register** notices; meeting information (such as agendas, meeting materials, and minutes); reports and recommendations; and any other information that would increase the transparency and public understanding of advisory committee functions and activities and assist in fulfilling the requirements under sec. 10(b) of the Act (codified at 5 U.S.C. 1009(b)).

§ 102–3.125 Agency administrative guidelines to implement an advisory committee.

An agency's administrative guidelines provide the details that advisory committee staff need to implement FACA requirements during the creation, operation, and termination of their advisory committees.

(a) *Advisory committee operating procedures (also known as bylaws).* Agency administrative guidelines should specify the content of advisory committee operating procedures to ensure they provide clear instructions on how to comply with the Act and the authority for the committee, including how to conduct advisory committee meetings and other committee activities.

(b) *Advisory committee costs.* Agency administrative guidelines must:

(1) Provide instructions on how to identify, calculate, and fully document advisory committee costs; and

(2) Ensure agency committee cost records match the data reported through the FACA database.

§ 102–3.130 Policies for appointment, and compensation or reimbursement of advisory committee members.

In developing guidelines to implement the Act, this part, and other applicable laws and regulations at the agency level, agency heads should address the following issues:

(a) *Appointment and terms of advisory committee members.* Unless otherwise provided by statute, Presidential directive, or other establishment authority, advisory committee members serve at the pleasure of the appointing or inviting authority. Membership terms are at the sole discretion of the appointing or inviting authority. Agency heads are encouraged to set member term limits, where possible, so that agencies continually ensure the committee is fairly balanced throughout the life of the advisory committee.

(b) *Compensation of advisory committee members.* Agencies are not required to pay their advisory committee members, unless required to do so by statute or Presidential authority. In determining the rate of compensation an agency must give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned, and the qualifications required for the work involved. The agency head may establish appropriate rates of pay not to exceed the rate for level III of the Executive Schedule under 5 U.S.C. 5314, unless a higher rate expressly is allowed by another statute. The agency may not provide additional compensation in any form. Federal employees may not receive any additional compensation or bonus pay for their service on an advisory committee, except recompense of travel expenses in accordance with the Federal Travel Regulation in 41 CFR subtitle F.

(c) *Federal employees assigned to an advisory committee.* Federal employees serving as either an advisory committee member or as a staff person remain covered during the assignment by the compensation system of their employing agency.

(d) *Other appointment considerations.* Any advisory committee staff person who is not a current Federal employee must be appointed in accordance with applicable agency procedures.

(e) *Travel expenses.* Advisory committee members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed reimbursement for travel expenses, including per diem, per the rates established for employees by the Administrator at 5 U.S.C. 5702. In order to minimize travel expenses, agencies should hold virtual meetings or allow virtual attendance for committee members who would otherwise need to travel. Reimbursement of travel expenses should only be done when the Presidential directive, authorizing statute, or committee charter allows for it, funds are available, and expenditure of funds will not exceed budgeted amounts.

(f) *Services for advisory committee members with disabilities.* While performing advisory committee duties, an advisory committee member with disabilities may be provided the same services by a personal assistant as those that may be provided to employees per 5 U.S.C. 3102.

Subpart D—Advisory Committee Meeting and Recordkeeping Procedures

§ 102–3.135 Coverage and application of this subpart.

This subpart establishes policies and procedures relating to meetings and other activities undertaken by advisory committees and their subcommittees. This subpart also outlines what records must be kept by Federal agencies and what other documentation, including advisory committee minutes and reports, must be prepared and made available to the public.

§ 102–3.140 Policies for advisory committee meetings.

(a) Each advisory committee meeting must be held at a reasonable time and in a manner or place accessible to the public.

(b) The physical or electronic meeting room must be sufficient to accommodate advisory committee members, advisory committee or agency staff, and a reasonable number of interested members of the public.

(c) Any member of the public is permitted to file a written statement with the advisory committee, whether or not the statement is related to a specific meeting.

(d) Any member of the public may speak to or otherwise address the advisory committee if the agency's guidelines so permit.

(e) Any advisory committee meeting conducted in whole or in part through any electronic medium (such as a teleconference or through a virtual platform) must meet the requirements of this subpart. Agencies should explore having virtual meetings instead of in-person meetings as a cost savings measure.

(f) The **Federal Register** notices, agendas, and supporting materials related to each meeting should be posted on the agency advisory committee website (if one exists) as soon as they are available or at the time they are provided to the advisory committee members.

§ 102–3.145 Policies for subcommittee meetings.

If a subcommittee provides advice or recommendations directly to a Federal officer or agency, or if its advice or recommendations will be adopted by the parent advisory committee without further deliberations by the parent advisory committee, then the subcommittee's meetings must be conducted in accordance with the requirements of this subpart.

§ 102–3.150 Announcement of advisory committee meetings to the public.

(a) A notice in the **Federal Register** must be published at least 7 calendar days prior to an advisory committee meeting, which includes:

(1) The name of the advisory committee (or subcommittee, if applicable);

(2) The time, date, physical place (and/or instructions to connect electronically), and purpose of the meeting;

(3) Whether meeting registration is required;

(4) A summary of the agenda, and/or topics to be discussed and instructions on how to access meeting materials;

(5) A statement whether all or part of the meeting is open to the public or closed; if the meeting is closed in whole or in part, state the reasons why, citing the specific exemption(s) of the Government in the Sunshine Act, 5 U.S.C. 552b(c);

(6) Instructions for submitting written comments, and oral comments if permitted;

(7) Instructions on how to submit a request for physical meeting or electronic meeting accommodations consistent with the relevant sections of the Rehabilitation Act, as amended, 29 U.S.C. 794; and

(8) The contact information for the DFO or other responsible agency official, or agency electronic mailbox for the committee, to contact for additional information concerning the meeting.

(b) The agency or an independent Presidential advisory committee may give less than 7 calendar days notice if the President determines this is necessary for reasons of national security, or if the head of an agency determines this is necessary due to exceptional circumstances, and the reasons for doing so are included in the advisory committee meeting notice published in the **Federal Register**.

(c) In addition to the **Federal Register**, and consistent with standard agency practice, agencies should announce meetings through additional notification methods, such as websites and social media, considering the most appropriate methods to reach committee stakeholders, and with as much advance notice as possible.

§ 102–3.155 Procedures for closing advisory committee meetings to the public.

(a) To close all or part of an advisory committee meeting, the DFO must submit a request to the agency head, or in the case of an independent Presidential advisory committee, the Secretariat, citing the specific exemption(s) of the Government in the

Sunshine Act, 5 U.S.C. 552b(c), that justifies the closure. The request must provide the agency head or the Secretariat sufficient time to review the matter in order to make a determination before publication of the meeting notice required by § 102–3.150.

(b) If the agency head, or in the case of an independent Presidential advisory committee, the Secretariat, finds that the request is consistent with the provisions of the Government in the Sunshine Act and FACA, the appropriate agency official must issue a determination that all or part of the meeting will be closed. The agency head or the chairperson of an independent Presidential advisory committee must make a copy of any such determination available to the public upon request.

§ 102–3.160 Activities of advisory committees not subject to notice and open meeting requirements.

The following activities of an advisory committee are excluded from the procedural requirements contained in this subpart:

(a) *Preparatory work.* Meetings of two or more advisory committee or subcommittee members convened solely to gather information, conduct research, or analyze relevant issues and facts in preparation for deliberation by advisory committee members in a public meeting of the advisory committee, or deliberation by subcommittee members in a public meeting of the subcommittee (where applicable). These meetings to conduct preparatory work do not include deliberation among advisory committee or subcommittee members; and

(b) *Administrative work.* Meetings of two or more advisory committee or subcommittee members convened solely to discuss administrative matters of the advisory committee or subcommittee (such as meeting logistics) or to receive administrative information from a Federal officer or agency (such as a briefing on ethics or FACA procedural requirements).

§ 102–3.165 Documentation of advisory committee meetings.

(a) Detailed minutes of each advisory committee meeting, including one that is closed or partially closed to the public, must be kept. The chairperson of each advisory committee must certify the accuracy of all minutes of advisory committee meetings.

(b) The minutes must include:

(1) The time, date, and place (or electronic format) of the advisory committee meeting;

(2) A list of the persons who were present at the meeting, including

advisory committee members and staff, agency employees, and members of the public who presented oral or written statements;

(3) An accurate description of each matter discussed and the resolution, if any, made by the advisory committee regarding such matter; and

(4) Copies of each report or other materials received, issued, or approved by the advisory committee at the meeting.

(c) The DFO must ensure that minutes are certified for accuracy by the chairperson within 90 calendar days of the meeting to which they relate. Agencies should post the meeting minutes on the agency advisory committee website (if one exists).

§ 102–3.170 Access to advisory committee records.

Timely access to advisory committee records is an important element of the public access requirements of the Act. Section 10(b) of the Act (codified at 5 U.S.C. 1009(b)) provides for the contemporaneous availability of advisory committee records that, when taken in conjunction with the ability to attend committee meetings, provide a meaningful opportunity to comprehend fully the work undertaken by the advisory committee. Although certain advisory committee records may be withheld under an exemption to the Freedom of Information Act (FOIA), agencies may not require members of the public or other interested parties to use FOIA procedures in order to obtain records available under sec. 10(b) of the Act (codified at 5 U.S.C. 1009(b)).

§ 102–3.175 Reporting and recordkeeping requirements for advisory committees.

(a) *Presidential advisory committee follow-up report.* Within one year after a Presidential advisory committee has submitted a public report to the President, a follow-up report required by sec. 6(b) of the Act (codified at 5 U.S.C. 1005(b)) must be prepared and transmitted to the Congress detailing the disposition of the advisory committee's recommendations. These reports are prepared and transmitted to the Congress either by the President or the President's delegate pursuant to § 102–3.75(f).

(b) *Annual comprehensive review of Federal advisory committees.* Per sec. 7(b) of the Act (codified at 5 U.S.C. 1006(b)), GSA is required to conduct an annual comprehensive review of the activities and responsibilities of each Federal advisory committee that was in existence during any part of a Federal fiscal year. In carrying out the review the Secretariat shall review the written

public interest determination required by § 102–3.60(a), any reports or recommendations issued by each committee, including all grants, and data reported on each committee by its sponsoring agency to make a recommendation as to whether the committee should be renewed, merged, or terminated. Federal agencies are responsible for reporting data on each advisory committee into the GSA FACA database as part of the annual comprehensive review.

(c) *Annual report of closed or partially closed meetings.* In accordance with sec. 10(d) of the Act (codified at 5 U.S.C. 1009(d)), advisory committees holding closed or partially closed meetings must issue reports at least annually, setting forth a summary of activities and such related matters as would be informative to the public consistent with the policy of 5 U.S.C. 552(b).

(d) *Advisory committee reports.* Subject to 5 U.S.C. 552, copies of each report made by an advisory committee, including any report of closed or partially closed meetings as specified in paragraph (c) of this section and, where appropriate, background papers prepared by experts or consultants, must be filed with the Library of Congress as required by sec. 13 of the Act (codified at 5 U.S.C. 1012) for public inspection and use.

(e) *Advisory committee records.* Official records generated by or for an advisory committee must be retained for the duration of the advisory committee. Upon termination of the advisory committee, the records must be processed in accordance with the Federal Records Act, 44 U.S.C. chapters 21 and 29 through 33, and regulations issued by the National Archives and Records Administration (see 36 CFR parts 1220, 1222, 1228, and 1234), or in accordance with the Presidential Records Act, 44 U.S.C. chapter 22.

Subpart E—Advice or Recommendations Provided to Agencies by the National Academy of Sciences or the National Academy of Public Administration

§ 102–3.180 Coverage and application of this subpart.

This subpart provides guidance to agencies on compliance with sec. 15 of the Act (codified at 5 U.S.C. 1014). Section 15 establishes requirements that apply only in connection with a funding or other written agreement involving an agency's use of advice or recommendations provided to the agency by the National Academy of Sciences (NAS) or the National

Academy of Public Administration (NAPA), if such advice or recommendations were developed by use of a committee created by either academy. For purposes of this subpart, NAS also includes the National Academy of Engineering, the National Academy of Medicine, and the National Research Council. Except with respect to NAS committees that were the subject of judicial actions filed before December 17, 1997, no part of the Act other than sec. 15 applies to any committee created by NAS or NAPA.

§ 102–3.185 Requirements for agencies using Advice from NAS or NAPA.

(a) *Section 15 requirements.* An agency may not use any advice or recommendation provided to an agency by NAS or NAPA under an agreement between the agency and an academy, if such advice or recommendation was developed by use of a committee created by either academy, unless:

(1) The committee was not subject to any actual management or control by an agency or officer of the Federal Government; and

(2) In the case of NAS, the academy certifies that it has complied substantially with the requirements of sec. 15(b) of the Act (codified at 5 U.S.C. 1014(b)); or

(3) In the case of NAPA, the academy certifies that it has complied substantially with the requirements of sec. 15(b)(1), (2), and (5) of the Act (codified at 5 U.S.C. 1014(b)(1), (2), and (5), respectively).

(b) *No agency management or control.* Agencies must not manage or control the specific procedures adopted by each academy to comply with the requirements of sec. 15 of the Act (codified at 5 U.S.C. 1014) that are applicable to that academy. In addition, however, any committee created and used by an academy in the development of any advice or recommendation to be provided by the academy to an agency must be subject to both actual management and control by that academy and not by the agency.

(c) *Funding agreements.* Agencies may enter into contracts, grants, and cooperative agreements with NAS or NAPA that are consistent with the requirements of this subpart to obtain advice or recommendations from such academy. These funding agreements require, and agencies may rely upon, a written certification by an authorized representative of the academy provided to the agency upon delivery to the agency of each report containing advice or recommendations required under the agreement that:

(1) The academy has adopted policies and procedures that comply with the applicable requirements of sec. 15 of the Act (codified at 5 U.S.C. 1014); and

(2) To the best of the authorized representative's knowledge and belief, these policies and procedures substantially have been complied with in performing the work required under the agreement.

Subpart F—Severability

§ 102–3.190 Severability of provisions.

All provisions of this part are separate and severable from one another. If any provision is stayed or determined to be invalid, it is GSA's intention that the remaining provisions shall continue in effect. 9*

PART 102–5—[Removed and Reserved]

■ 2. Under the authority of 40 U.S.C. 121(c); 31 U.S.C. 1344(e)(1), remove and reserve part 102–5.

■ 3. Revise part 102–33 to read as follows:

PART 102–33—MANAGEMENT OF GOVERNMENT AIRCRAFT

Subpart A—General Provisions

Sec.

- 102–33.5 Scope.
- 102–33.10 Deviations.
- 102–33.15 Definitions.
- 102–33.20 Agency responsibilities.
- 102–33.25 SAMO duties.
- 102–33.30 GSA's responsibilities for Federal aviation management.

Subpart B—Acquiring Government Aircraft and Aircraft Parts

- 102–33.35 Process for acquiring aircraft and aircraft parts.
- 102–33.40 Acquiring Government aircraft.
- 102–33.45 Process for budgeting to acquire CAS.
- 102–33.50 Responsibilities when contracting to purchase or capital lease a Federal aircraft or to award a CAS contract.
- 102–33.55 Minimum requirements for CAS contracts.
- 102–33.60 Responsibilities when acquiring aircraft parts.
- 102–33.65 Military FSCAP requirements.
- 102–33.70 Life-limited parts requirements.

Subpart C—Government Aircraft and Aircraft Parts

- 102–33.75 Federal aircraft management responsibilities.
- 102–33.80 Management responsibilities when hiring CAS.
- 102–33.85 Management accountability and controls for aviation programs.
- 102–33.90 Flight Program Standards.
- 102–33.95 Establishing Flight Program Standards.
- 102–33.100 Exemptions from establishing Flight Program Standards.

- 102–33.105 Establishing Flight Program Standards.
- 102–33.110 Flight Program Operation Standards.
- 102–33.115 Flight program operations.
- 102–33.120 Maintenance of Government aircraft.
- 102–33.125 Training requirements.
- 102–33.130 Aviation safety management.
- 102–33.135 Responding to aircraft accidents and incidents.
- 102–33.140 Accountable aircraft operations and ownership costs.
- 102–33.145 Automated system for accounting aircraft costs.
- 102–33.150 Federal aircraft ownership justification.
- 102–33.155 Recovering operating cost.
- 102–33.160 Accounting for the use of Government aircraft.
- 102–33.165 Carrying passengers on Government aircraft.
- 102–33.170 Aircraft parts management.
- 102–33.175 The use of military FSCAP on non-military FAA-type certificated Government aircraft.
- 102–33.180 Life-limited parts and FSCAP.

Subpart D—Disposing or Replacing of Government Aircraft and Aircraft Parts

- 102–33.185 Disposing or replacing aircraft and aircraft parts.
- 102–33.190 Reporting excess of both operational and non-operational aircraft.
- 102–33.195 Declassifying aircraft.
- 102–33.200 Documenting FSCAP or life-limited parts installed on aircraft.
- 102–33.205 Reporting requirements for excess, replacement, or declassified aircraft in FAIRS.
- 102–33.210 Excess aircraft.
- 102–33.215 Replacing aircraft through exchange/sale.
- 102–33.220 Special disclaimers for non-certificated aircraft operated as public aircraft.

Subpart E—Reporting Information on Government Aircraft

- 102–33.225 Government aircraft report requirement.
- 102–33.230 Exemptions from reporting information to GSA on Government aircraft.
- 102–33.235 Required reporting on Government aircraft.
- 102–33.240 FAIRS.
- 102–33.245 Timeline for FAIRS reports.
- 102–33.250 Federal inventory.
- 102–33.255 Declassify a Federal aircraft.
- 102–33.260 Federal aircraft cost and utilization data.
- 102–33.265 CAS cost and utilization data.
- 102–33.270 Aircraft accident and incident.
- 102–33.275 Development of performance indicators.

Authority: 40 U.S.C. 121(c); 31 U.S.C. 101 *et seq.*; Reorganization Plan No. 2 of 1970, 35 FR 7959, 3 CFR, 1066–1970 Comp., p. 1070; E.O. 11541, 35 FR 10737, 3 CFR, 1966–1970 Comp., p. 939; and OMB Circular No. A–126 (Revised May 22, 1992), 57 FR 22150.

Subpart A—General Provisions

§ 102–33.5 Scope.

(a) This part applies to all federally funded aviation activities using Government aircraft for official executive branch business.

(b) This part does not apply to the following:

- (1) The Armed Forces, except for:
 - (i) Section 102–33.20(e); and
 - (ii) Subpart D of this part;
- (2) The President or Vice President and their offices;

(3) Aircraft when an executive agency provides Government-furnished avionics for commercially or privately owned aircraft for the purposes of technology demonstration or testing; and

(4) Privately owned aircraft that agency personnel use for official travel.

(c) This part does not supersede any of the regulations in 14 CFR chapter I.

§ 102–33.10 Deviations.

(a) See §§ 102–2.60 through 102–2.110 of this chapter.

(b) The General Services Administration (GSA) may not grant deviations from the requirements of OMB Circular A–126.

§ 102–33.15 Definitions.

Acquisition date means the date that the acquiring executive agency took responsibility for the aircraft, *e.g.*, received title (through purchase, exchange, or gift), signed a bailment agreement with the Department of Defense (DoD), took physical custody, received a court order, put into operational status an aircraft that is newly manufactured by the agency, or otherwise accepted physical transfer (*e.g.*, in the case of a borrowed aircraft).

Aircraft part means a component or assembly used on aircraft.

Armed Forces mean all military branches (active, reserve, and National Guard).

Aviation life support equipment (ALSE) means equipment that protects flight crewmembers and others aboard an aircraft during flight, including assisting their safe escape, survival, and recovery during an accident or other emergency.

Crewmember means a person operating or assisting in flight.

Criticality code means a single digit code that DoD assigns to military Flight Safety Critical Aircraft Parts (FSCAP).

Data plate means a fireproof, permanent identification (ID) plate on aircraft or components, per Federal Aviation Administration (FAA) or military standards.

Declassify means to remove non-operational aircraft from Federal inventory for ground use.

Disposal date is when an executive agency relinquishes aircraft responsibility. For FAIRS, declassification is considered a “disposal” action.

Donated aircraft are surplus aircraft donated to eligible non-Federal groups pursuant to § 102–37 of this subchapter.

Exchange see § 102–35.20 of this subchapter.

Exchange/sale see § 102–35.20 of this subchapter.

Exclusive use means aircraft operated solely for U.S. Government benefit.

Executive agency see § 102–35.20 of this subchapter.

Federal aircraft means manned or unmanned aircraft owned or used by an executive agency, including:

(1) Bailed aircraft: aircraft owned by one agency, operated by another under agreement;

(2) Borrowed aircraft: aircraft owned by a non-executive agency, used by an executive agency without compensation;

(3) Forfeited aircraft: aircraft seized by the Government through a legal process;

(4) Loaned aircraft: aircraft owned by an executive agency, in a non-executive agency’s custody without compensation; and

(5) Owned aircraft: aircraft title held by an executive agency.

Note 1 to the definition of “Federal aircraft”: Bailed or loaned aircraft stay in the owning agency’s inventory, unless DoD-owned, then listed under the operator.

Federal Aviation Interactive Reporting System (FAIRS) is a management information system designed to collect, maintain, analyze, and report information on Federal aircraft inventories and cost and utilization of Federal and Commercial Aviation Services (CAS).

Flight Safety Critical Aircraft Part (FSCAP) means any aircraft part, assembly, or installation containing a critical characteristic whose failure, malfunction, or absence could cause a catastrophic failure resulting in loss or serious damage to the aircraft or an uncommanded engine shutdown resulting in an unsafe condition.

Full-service contract is when an agency leases a non-Federal aircraft with crew and maintenance for exclusive use; such aircraft are not considered Federal, no matter the contract length.

Government aircraft means manned or unmanned aircraft operated for the exclusive use of an executive agency. Government aircraft include—

(1) Federal aircraft; and
(2) Aircraft hired as CAS, including:
(i) Leased aircraft for exclusive use for an agreed upon period of time;
(ii) Capital lease aircraft for which the leasing agency holds an option to take title;

(iii) Charter aircraft for hire under a contractual agreement for one-time exclusive use that specifies performance;

(iv) Rental aircraft obtained commercially under an agreement in which the executive agency has exclusive use for an agreed upon period of time;

(v) Contracting for full services; or
(vi) Obtaining related aviation services by commercial contract, except those services acquired to support Federal aircraft.

Governmental function is a federally funded activity carried out by an agency under its legal authority.

Intelligence community means those agencies identified in the National Security Act, 50 U.S.C. 401a(4).

Inter-service Support Agreement (ISSA) is a deal where one agency provides aviation services to another, with or without reimbursement; sharing only the aircraft is a bailment, not an ISSA.

Life-limited part is any aircraft part with a set replacement time, inspection interval, or time-based requirement. For non-military parts, the FAA specifies life-limited part airworthiness limitations in 14 CFR 21.50, 23.1529, 25.1529, 27.1529, 29.1529, 31.82, 33.4, and 35.5, and on product Type Certificate Data Sheets (TCDS). Letters authorizing Technical Standards Orders (TSO) must note or reference mandatory replacement or inspection of parts.

Military aircraft part is an aircraft part used on an aircraft that was developed by the Armed Forces (whether or not it carries an FAA airworthiness certificate).

Non-operational aircraft are Federal aircraft deemed unsafe for flight and not economically repairable, excluding those temporarily out of service for maintenance, which are considered operational aircraft.

Official Government business in relation to Government aircraft—

(1) Includes, but is not limited to—
(i) Carrying crewmembers, qualified non-crewmembers, and cargo directly required or associated with performing governmental functions;
(ii) Carrying passengers authorized to travel on Government aircraft; and
(iii) Training pilots and other aviation personnel.

(2) Does not include—

(i) Using Government aircraft for personal or political purposes, except

for required use travel and space available travel as defined in OMB Circular A–126; or

(ii) Carrying passengers who are not officially authorized to travel on Government aircraft.

Operational aircraft are Federal aircraft that are safe to fly or can be economically repaired to be flight-ready, including those temporarily out of service for maintenance.

Original equipment manufacturer (OEM) refers to the company that designed or holds rights to produce an aircraft or part; Parts Manufacturer Approval (PMA) parts are not OEM, though they may be valid replacements.

Passenger means a person onboard a Government aircraft who is authorized to travel and not a crewmember or qualified non-crewmember.

Performance Indicator is a metric used to track progress toward goals; for aircraft, it measures the efficiency and effectiveness of delivering safe aviation services.

Production approval holder (PAH) means the person or company who holds a Production Certificate (PC), Approved Production Inspection System (APIS), Parts Manufacturer Approval (PMA), or Technical Standards Orders Authorization (TSOA), issued under provisions of 14 CFR part 21 and who controls the design, manufacture, and quality of a specific aircraft part.

Qualified non-crewmember means an individual, other than a member of the crew, aboard an aircraft—

(1) Operated by a United States (U.S.) Government agency in the intelligence community; or

(2) Whose presence is required to perform or is associated with performing the governmental function for which the aircraft is being operated (qualified non-crewmembers are not passengers).

Registration mark means the unique identification mark or tail number, which is the FAA-assigned ID displayed on U.S.-registered Government aircraft, except military aircraft; foreign CAS aircraft display their national markings.

Related aviation services contract is a commercial agreement where an agency hires aviation services, excluding aircraft, such as crew, maintenance, or catering.

Required use travel is when an agency employee must use a Government aircraft due to security, communication needs, or scheduling, as approved pursuant to OMB Circular A–126.

Risk analysis and management means a systematic process for—

(1) Identifying risks and hazards associated with alternative courses of

action involved in an aviation operation;

(2) Choosing from among these alternatives the courses of action that will promote optimum aviation safety;

(3) Assessing the likelihood and predicted severity of an injurious mishap within the various courses of action;

(4) Controlling and mitigating identified risks and hazards within the chosen courses of action; and

(5) Periodically reviewing the chosen courses of action to identify possible emerging risks and hazards.

Safe for flight means an aircraft or part has been inspected and certified to meet required standards—FAA regulations for civil aircraft in 14 CFR chapter I or military/agency standards for others—ensuring it is airworthy and safe to operate.

Safety Management System (SMS) means a top-down approach to managing safety risk through structured procedures, policies, and practices, covering safety policy, risk management, assurance, and promotion.

Senior Aviation Management Official (SAMO) is an agency's lead representative to the Interagency Committee for Aviation Policy (ICAP); responsible for promoting flight safety and compliance with standards.

Serviceable aircraft part means a part that is safe for flight, can fulfill its operational requirements, and is sufficiently documented to indicate that the part conforms to applicable standards/specifications.

Suspected unapproved part means an aircraft part, component, or material that is suspected of not meeting the requirements of an "approved part." Approved parts are produced in compliance with 14 CFR part 21, are maintained in compliance with 14 CFR parts 43 and 91, and meet applicable design standards. A part, component, or material may be suspect because of its questionable finish, size, or color; improper (or lack of) identification; incomplete or altered paperwork; or any other questionable indication. For further information, see FAA Advisory Circular 21-29.

Traceable part is an aircraft part identifiable by documentation, markings, or packaging, showing it was made or deemed airworthy under 14 CFR parts 21 and 43.

Training means instruction to qualify and maintain flight program personnel. The instruction can apply to either public or civil missions.

Unmanned Aircraft Systems (UAS) means remotely or autonomously flown aircraft and required components. FAA certifies the full system; report only if it

meets an agency's capitalization threshold and the UAS lifecycle is two years or more.

Unsalvageable aircraft part means parts unsafe for flight due to condition, defects, missing records, or non-compliance.

U.S. Government Aircraft Cost Accounting Guide (CAG) means GSA-issued guide for tracking aircraft costs, based on OMB and FAIRS standards.

§ 102-33.20 Agency responsibilities.

(a) Acquire, manage, and dispose of Federal aircraft and acquire and manage CAS as safely, efficiently, and effectively as possible;

(b) Document and report:

(1) Types and numbers of your Federal aircraft;

(2) Costs of acquiring and operating Government aircraft;

(3) Amount of time of use of Government aircraft; and

(4) Accidents and incidents involving Government aircraft;

(c) Ensure that Government aircraft are used only to accomplish the agency's official Government business;

(d) Ensure all passengers on your agency's aircraft are authorized; and

(e) Appoint a SAMO by sending a letter to the Deputy Associate Administrator at the Office of Asset and Transportation Management, GSA, to represent the agency in the ICAP. This applies to all executive agencies using aircraft, including DoD, FAA, and the National Transportation Safety Board (NTSB), but not to those that only occasionally rent aircraft for specific flights.

§ 102-33.25 SAMO duties.

SAMOs must:

(a) Represent the agency's views to the ICAP and vote on behalf of the agency;

(b) Contribute technical and operational policy expertise to ICAP;

(c) Serve as the designated approving official for FAIRS when the agency elects to have one person serve as both SAMO and the designated official for FAIRS (DoD will not have a designated official for FAIRS); and

(d) Appoint representatives of the agency as members of ICAP subcommittees and working groups.

(e) The SAMO should have:

(1) Experience as a pilot or crew member; or

(2) Management experience within an aviation operations management/flight program.

(f) Designate an official (by letter to the Deputy Associate Administrator, Office of Asset and Transportation Management, Office of Government-

wide Policy, GSA) to certify the accuracy and completeness of information reported through FAIRS (Armed Forces and the U.S. Coast Guard, are not required to report information to FAIRS);

(g) Appoint representatives of the agency as members of ICAP subcommittees and working groups;

(h) Ensure that your agency's internal policies and procedures are consistent with the requirements of OMB Circulars A-126, A-76, and A-11, Federal Aviation Administration Advisory Circular 120-92, and this part; and

(i) Ensure that safety and other critical aviation program requirements are satisfied. Executive agencies that only hire aircraft occasionally for specific flights, must either:

(1) Establish an aviation program that complies with the requirements of OMB Circular A-126; or

(2) Hire those aircraft through an agency with a policy-compliant aviation program.

§ 102-33.30 GSA's responsibilities for Federal aviation management.

GSA's responsibilities include having:

(a) A single office to carry out Governmentwide responsibilities for Government aircraft management, and publishing that policy;

(b) An interagency committee, whose members represent the executive agencies that use Government aircraft to conduct their official business and advise and consult with GSA on developing policy for managing Government aircraft;

(c) A management information system to collect, analyze, and report information on the inventory, cost, usage, and safety of Government aircraft; and

(d) A set of performance indicators, policy recommendations, and guidance for the procurement, operation, and safety and disposal of Government aircraft.

Subpart B—Acquiring Government Aircraft and Aircraft Parts

§ 102-33.35 Process for acquiring aircraft and aircraft parts.

(a) If the requirements are met for operating an in-house aviation program contained in OMB Circular A-76, and OMB Circular A-11, Part 2, Section 25.5, and Section 51.18, subparagraph (d), you may:

(1) Acquire Federal aircraft when—

(i) Aircraft are the optimum means of supporting your agency's official business;

(ii) You do not have aircraft that can support your agency's official business safely and cost-effectively;

(iii) No commercial or other governmental source is available to provide aviation services safely and cost-effectively; and

(iv) Congress has specifically authorized your agency to purchase, lease, or transfer aircraft and to maintain and operate those aircraft;

(2) Acquire CAS when—

(i) Aircraft are the optimum means of supporting your agency's official business; and

(ii) Using commercial aircraft and services is safe and is more cost effective than using Federal aircraft, aircraft from any other governmental source, or scheduled air carriers.

(b) When acquiring aircraft, aircraft selection must be based on need, a strong business case, and life-cycle cost analysis, which conform to OMB Circular A-11, Part 2, Section 25.5.

§ 102-33.40 Acquiring Government aircraft.

To acquire Government aircraft, you must follow the requirements in:

- (a) 31 U.S.C. 1343;
- (b) OMB Circular A-126 Revised;
- (c) OMB Circular A-11, Part 2, Section 25.5;
- (d) OMB Circular A-76; and
- (e) OMB Circular A-94.

§ 102-33.45 Process for budgeting to acquire CAS.

Except for leases and capital leases, for which you must have specific congressional authorization as required by 31 U.S.C. 1343, you may budget to fund your CAS out of your agency's operating budget. Also see § 102-33.40.

§ 102-33.50 Responsibilities when contracting to purchase or capital lease a Federal aircraft or to award a CAS contract.

When purchasing, leasing, or awarding a CAS contract for a Federal aircraft, you must follow 48 CFR chapter 1, unless your agency is exempt.

§ 102-33.55 Minimum requirements for CAS contracts.

At a minimum, your CAS contracts and agreements must require that any provider of CAS comply with—

- (a) Civil standards in 14 CFR that are applicable to the type of operations you are asking the contractor to conduct;
- (b) Applicable military standards; or
- (c) Your agency's Flight Program Standards.

§ 102-33.60 Responsibilities when acquiring aircraft parts.

When acquiring aircraft parts, you must:

- (a) Inspect and verify that all incoming parts are documented as safe for flight prior to installation;

(b) Obtain all logbooks (if applicable) and maintenance records. For guidance on maintaining records for non-military parts, see FAA Advisory Circular 43-9C.

§ 102-33.65 Military FSCAP requirements.

When acquiring FSCAP you must:

- (a) Accept FSCAP only if traceable to the original manufacturer and marked with the DoD Criticality Code; and
- (b) Not install untraceable FSCAP unless inspected and recertified by the OEM or an FAA-approved facility.

§ 102-33.70 Life-limited parts requirements.

When acquiring life-limited parts, you must:

- (a) Identify and inspect the parts, ensuring that they have civil or military-certified documentation; and
- (b) Mutilate and dispose of any expired life-limited parts.

Subpart C—Government Aircraft and Aircraft Parts

§ 102-33.75 Federal aircraft management responsibilities.

You must:

- (a) Establish agency-specific Flight Program Standards;
- (b) Account for the cost of acquiring, operating, and supporting your aircraft;
- (c) Account for the use of your aircraft;
- (d) Maintain and account for aircraft parts;
- (e) Report inventory, cost, and utilization data; and
- (f) Properly dispose of aircraft and parts.

§ 102-33.80 Management responsibilities when hiring CAS.

When hiring CAS, you must:

- (a) Establish agency-specific Flight Program Standards as applicable and require compliance with these standards in your contracts and agreements;
- (b) Account for the cost of your aircraft and services hired as CAS;
- (c) Account for the use of your aircraft hired as CAS; and
- (d) Report the cost and usage data for your CAS hires.

§ 102-33.85 Management accountability and controls for aviation programs.

You must follow OMB Circular A-123 to establish management controls that ensure your aviation program meets its goals and aligns with your agency's mission.

§ 102-33.90 Flight Program Standards.

Flight Program Standards are the minimum requirements to ensure safe, effective, and efficient aircraft operation. They must:

(a) Be specific to your agency's aviation operations, including your CAS;

(b) Meet the requirements identified in §§ 102-33.105 through 102-33.135;

(c) Meet applicable civil or military rules (in particular 49 U.S.C. 40102(a)(37) and 40125), and applicable FAA regulations in 14 CFR; and

(d) Incorporate risk management techniques when civil or military rules do not apply.

§ 102-33.95 Establishing Flight Program Standards.

You must establish Flight Program Standards to address areas not covered by 14 CFR, such as non-certificated aircraft or high-risk operations.

§ 102-33.100 Exemptions from establishing Flight Program Standards.

(a) The Armed Forces (including the U.S. Coast Guard);

(b) Agencies in the Intelligence Community;

(c) Entities outside the executive branch when using aircraft loaned to them by an executive agency (that is, owned by an executive agency, but operated by and on behalf of the loanee) unless the loanee—

(1) Uses the aircraft to conduct official Government business; or

(2) Is required to follow §§ 102-33.105 through 102-33.135 under an Agreement governing the loan.

§ 102-33.105 Establishing Flight Program Standards.

You must write, publish, implement, and comply with standards (specific to your agency), which establish or require policies and procedures for:

- (a) Management/administration of your flight program (in this part, "flight program" includes CAS contracts);
- (b) Operation of your flight program;
- (c) Maintenance of your Government aircraft;
- (d) Training for your flight program personnel;
- (e) Safety of your flight program;
- (f) Accident reporting and investigation as appropriate; and
- (g) Reporting to FAIRS as required by this part.

§ 102-33.110 Flight Program Operation Standards.

For management/administration of your flight program, you must establish or require—

(a) A management structure overseeing operations, safety, training, maintenance, and finances (including contract requirements); and

(b) Guidance on roles, responsibilities, and authority of flight program personnel.

§ 102–33.115 Flight program operations.

You must establish or require:

- (a) Qualifications and currency requirements for pilots, crewmembers, maintenance, administrative, and mission personnel;
- (b) Duty and flight time limitations for pilots and crewmembers;
- (c) Procedures to track flight time, duty time, training, and medical requirements;
- (d) Compliance with safety notices and operational bulletins;
- (e) Flight-following procedures for lost or downed aircraft;
- (f) Disclosure statement for crewmembers and qualified non-crewmembers flying aboard Government aircraft;
- (g) Manifest with full names, contact info, and flight details for each flight leg;
- (h) Documentation and retention of manifest changes for two years;
- (i) Procedures to reconcile manifests and test periodically;
- (j) Weight, balance, and cargo-loading manifest with retention for 30 days;
- (k) Emergency procedures and equipment for specific missions;
- (l) ALSE inspection and serviceability procedures; and
- (m) Pre-flight risk assessment, including weather, crew rest, flight type, and crew makeup.

§ 102–33.120 Maintenance of Government aircraft.

You must establish or require:

- (a) Procedures to record and track duty time and training of maintenance personnel;
- (b) Aircraft maintenance and inspection programs that comply with whichever is most applicable among—
 - (1) Programs for ex-military aircraft;
 - (2) Manufacturers' programs;
 - (3) FAA-approved programs;
 - (4) FAA-accepted programs; or
 - (5) Your agency's self-prescribed programs;
- (c) Compliance with owning-agency or military safety of flight notices, FAA airworthiness directives, advisory circulars and orders, or mandatory manufacturers' bulletins applicable to the types of aircraft, engines, propellers, and appliances you operate;
- (d) Procedures for operating aircraft with inoperable instruments and equipment;
- (e) Technical support, including appropriate engineering documentation and testing, for aircraft, powerplant, propeller, or appliance repairs, modifications, or equipment installations;
- (f) A quality control system to ensure replacement parts are suitable,

documented, safe for flight, and properly inspected or tested; and

- (g) Procedures for recording and tracking maintenance actions; inspections; and the flight hours, cycles, and calendar times of life-limited parts and FSCAP.

§ 102–33.125 Training requirements.

You must establish or require training standards, including initial and recurring instruction for flight personnel on roles, responsibilities, and operational skills.

§ 102–33.130 Aviation safety management.

You must establish or require the following aviation safety management standards:

- (a) A Safety Management System (SMS) that complies with the FAA's current Advisory Circular (AC) that addresses SMSs or an equivalent internationally recognized SMS standard. The SMS should include:
 - (1) Policies that assign SMS roles, with senior management ultimately responsible and qualified safety managers or officers appointed to oversee the aviation safety program, who should be:
 - (i) Experienced as pilots, crewmembers, or in aviation or maintenance program management; and
 - (ii) Graduated or certificated from an approved aviation safety officer course before or within one year of appointment; and
 - (2) An accident prevention program that includes:
 - (i) Measurable procedures;
 - (ii) A system to share safety information;
 - (iii) Safety training;
 - (iv) An aviation safety awards program, including Federal Aviation Awards; and
 - (v) A safety council or committee (for agencies owning aircraft);
 - (b) Risk management procedures that identify and reduce hazards using formal controls and advise senior managers on optimal risk mitigation;
 - (c) Policies requiring independent inspectors to verify compliance with these standards;
 - (d) Procedures allowing reprisal-free reporting of unsafe operations to aviation safety officers and managers;
 - (e) A system to collect and report information on aircraft accidents and incidents (as required by 49 CFR part 830 and § 102–33.270);
 - (f) Policies that identify clear standards for acceptable behavior; and
 - (g) A security program that includes:
 - (1) A designated security manager;
 - (2) A threat assessment process;
 - (3) Procedures for preventing and deterring unlawful acts;

(4) Procedures for responding to threats and unlawful acts;

- (5) Security training for personnel; and

(6) Policies and procedures for a mail security plan that meet the requirements in 41 CFR part 102–192, including protections against mail-borne hazards for staff and facilities, especially when using aircraft for mail delivery.

§ 102–33.135 Responding to aircraft accidents and incidents.

(a) You must establish or require the following standards for responding to aircraft accidents and incidents:

- (1) A policy ensuring compliance with NTSB reporting rules (49 CFR parts 830 and 831), including immediate NTSB notification of accidents/incidents and a method for notifying GSA as required in § 102–33.270;
- (2) An accident/incident response plan based on the NTSB's "Federal Plan," with periodic exercises, and procedures (per FAA AC 120–92) to identify potential accidents or incidents;
- (3) Procedures for participating in NTSB investigations of agency-owned or hired aircraft, and for conducting parallel investigations when appropriate;
- (4) Accident/incident investigation training for personnel involved in NTSB or parallel investigations; and
- (5) Procedures for disseminating, in the event of an aviation disaster that involves one of your Government aircraft, information about eligibility for benefits to anyone injured, to the injured or deceased persons' points of contact (listed on the manifest), and to the families of injured or deceased crewmembers and qualified non-crewmembers.

(b) This section does not supersede 49 CFR parts 830 and 831.

§ 102–33.140 Accountable aircraft operations and ownership costs.

You must account for the operations and ownership costs of your Government aircraft, including UAS, as outlined in the U.S. Government Aircraft CAG at gsa.gov/aviationpolicy, in accordance with OMB Circular A–126. At a minimum, you must:

- (a) Justify acquisitions to support the agency's aviation program;
- (b) Justify the use of Government aircraft in lieu of commercially available aircraft, and the use of one Government aircraft in lieu of another;
- (c) Develop a variable cost rate for each aircraft or aircraft type in your inventory;
- (d) Recover the costs of operating Government aircraft;

(e) Determine the cost effectiveness of various aspects of agency aircraft programs; and

(f) Accumulate aircraft program costs following the procedures defined in the CAG.

§ 102–33.145 Automated system for accounting aircraft costs.

(a) If you own Federal aircraft or operate bailed aircraft, you must use an automated system to track aircraft costs by collecting FAIRS-required data.

(b) Agencies using only CAS aircraft and no Federal aircraft must keep records sufficient for FAIRS reporting, but are not required to have an automated system. See §§ 102–33.260 and 102–33.265 for CAS reporting requirements.

§ 102–33.150 Federal aircraft ownership justification.

After you have held a Federal aircraft for five years, you must:

(a) Justify owning and operating the aircraft by reviewing your operations and establishing that you have a continuing need for the aircraft, using the procedures required in OMB Circular A–76 and OMB Circular A–11, Part 7, Appendix B; and

(b) Review the continuing need for each of your aircraft and the cost-effectiveness of your aircraft operations as directed by OMB Circulars A–11 and A–76, every five years.

§ 102–33.155 Recovering operating cost.

(a) Under 31 U.S.C. 1535 and other statutes, you may need to recover aircraft operating costs for supporting other agencies. The method for setting rates will depend on the statutory authorities under which you acquired and operate your aircraft:

- (1) The variable cost recovery rate; or
- (2) The full cost recovery rate.

(b) See the U.S. Government Aircraft CAG for definitions.

§ 102–33.160 Accounting for the use of Government aircraft.

When accounting for the use of Government aircraft, including UAS, you must document all flights and keep this documentation for two years after the date of the flight. For each flight, record the:

- (a) Aircraft's registration mark;
- (b) Owner and operator;
- (c) Purpose of the flight;
- (d) Departure and destination points;
- (e) Flight dates and times;
- (f) Manifest; and
- (g) Names of the pilots and crewmembers.

§ 102–33.165 Carrying passengers on Government aircraft.

(a) You may carry passengers only on aircraft that you operate or require contractually to be operated in accordance with the rules and requirements in 14 CFR; and

(b) For certain kinds of travel, your agency must justify passengers' presence on Government aircraft.

Note 1 to § 102–33.165: See OMB Circular A–126 and the Federal Travel Regulation (FTR) in 41 CFR subtitle F for complete information on authorizing travel and analyzing costs before authorizing travel on Government aircraft.

§ 102–33.170 Aircraft parts management.

You must manage aircraft parts by ensuring proper storage, protection, maintenance, and recordkeeping throughout their life cycle.

§ 102–33.175 The use of military FSCAP on non-military FAA-type certificated Government aircraft.

You may use dual-use military FSCAP on non-military aircraft operated under restricted or standard airworthiness certificates if the parts are inspected and approved for such installation by the FAA. See detailed guidance in FAA Advisory Circular 20–142, Change (1).

§ 102–33.180 Life-limited parts and FSCAP.

For life-limited parts and FSCAP, you must hold and update the documentation that accompanies these parts for as long as you use or store them. When you dispose of life-limited parts or FSCAP, the up-to-date documentation must accompany the parts.

Subpart D—Disposing or Replacing of Government Aircraft and Aircraft Parts

§ 102–33.185 Disposing or replacing aircraft and aircraft parts.

Before disposing of aircraft or parts, determine if they are excess to your agency's mission.

§ 102–33.190 Reporting excess of both operational and non-operational aircraft.

You may report as excess, or replace both operational and non-operational aircraft, by following the rules governing excess personal property and exchange/sale (see 41 CFR parts 102–36 and 102–39, respectively).

§ 102–33.195 Declassifying aircraft.

(a) A declassified aircraft is no longer an aircraft but a set of parts for ground use only.

(b) Retain documentation and traceability for all replacement parts, recorded under the correct Federal Supply Classification groups.

(c) For disposal of the property remaining after declassification of an aircraft, you must follow the property disposal regulations in 41 CFR parts 102–36, 102–37, 102–38 and 102–39.

§ 102–33.200 Documenting FSCAP or life-limited parts installed on aircraft.

You must comply with the documentation procedures described in § 102–33.175 if your aircraft and/or engines contain FSCAP or life-limited parts that you will report as excess or replace.

§ 102–33.205 Reporting requirements for excess, replacement, or declassified aircraft in FAIRS.

(a) When you report as excess or replace an aircraft you must report the change in inventory to FAIRS.

(b) Within 14 calendar days of the date you dispose of the aircraft, you must report—

- (1) The disposal method;
- (2) The disposal date; and
- (3) The identity and type of recipient.

§ 102–33.210 Excess aircraft.

If aircraft are excess, you must:

- (a) Reassign them within your agency if a sub-agency can use them; or
- (b) Report them as excess property to GSA if no sub-agencies can use them.

§ 102–33.215 Replacing aircraft through exchange/sale.

Refer to the procedures in 41 CFR part 102–39 for replacing aircraft via exchange/sale. Exchange/sell an aircraft to another executive agency or negotiate a fixed-price sale to a SASP.

Note 1 to § 102–33.215: Some agencies may have special authorization to recover costs.

§ 102–33.220 Special disclaimers for non-certificated aircraft operated as public aircraft.

When exchanging/selling non-certificated aircraft, the offering must include the following statement:

Warning: This aircraft may not meet FAA requirements. You are responsible for ensuring compliance with 14 CFR and obtaining any required FAA inspections or modifications.

The purchaser agrees the Government is not liable for any harm from the aircraft's use or disposal and will hold the Government harmless from related claims. The aircraft may not meet 14 CFR standards and may require inspection before flight.

- All civil and public aircraft must have a valid registration issued by the FAA as required by 14 CFR Chapter I.

- Civil aircraft must have a valid airworthiness certificate to operate in the U.S. airspace.

- The aircraft must conform to its FAA Type Certificate to be eligible for a standard air worthiness certificate.

- Aircraft without a valid airworthiness certificate may qualify for a special FAA one-time flight permit for relocation, such as for storage, repair, inspection, or display. Approval is based on the aircraft's safety for flight.

- Purchasers of surplus military or foreign aircraft without an FAA Type Certificate may be unable to obtain an airworthiness certificate or special flight permit.

- An aircraft with proper maintenance and inspection records simplifies airworthiness determination. Contact your nearest FAA Flight Standards District Office to discuss your responsibilities. Find office locations on the FAA website (<http://www.faa.gov/>).

- When purchasing an aircraft for spare parts and scrapping the airframe, you must declassify the aircraft, complete the registration form, and send it to the FAA.

Subpart E—Reporting Information on Government Aircraft

§ 102–33.225 Government aircraft report requirement.

You must report information to GSA on Government aircraft if your agency:

(a) Is an executive agency of the U.S. Government; and

(b) Owns, bails, borrows, loans, leases, rents, charters, or contracts for (or obtains by ISSA) Government aircraft.

§ 102–33.230 Exemptions from reporting information to GSA on Government aircraft.

The following federally funded activities are exempt from the requirement to report information to GSA on Government aircraft:

(a) The Armed Forces (including the U.S. Coast Guard); and

(b) Agencies in the Intelligence Community.

§ 102–33.235 Required reporting on Government aircraft.

Report the following to GSA via FAIRS:

(a) Inventory data for Federal aircraft, including UAS;

(b) Cost and utilization data for Federal aircraft, including UAS;

(c) Cost and utilization data for CAS aircraft and aviation services;

(d) Accident and incident data; and

(e) Results of competition studies per OMB Circular A–76 for aircraft and related services acquisition.

§ 102–33.240 FAIRS.

FAIRS, is a secure website operated by GSA, collects and reports data on Federal and CAS aircraft inventories, costs, and usage. The U.S. Government Aircraft Cost Accounting Guide (CAG) (see <https://www.gsa.gov/aviationpolicy>) contains the business rules for using the system.

§ 102–33.245 Timeline for FAIRS reports.

(a) Report any changes in your Federal aircraft inventory within 14 calendar days.

(b) Report cost and utilization data to FAIRS at the end of each fiscal quarter. You may submit data more frequently. Additionally, a quarter's data may be reported in the following quarter if necessary.

§ 102–33.250 Federal inventory.

Federal inventory data includes information on each of the operational and non-operational Federal aircraft and UAS that you own, bail, borrow, or loan.

§ 102–33.255 Declassify a Federal aircraft.

(a) To declassify a Federal aircraft, you must send a letter to the Deputy Associate Administrator, GSA, requesting approval to declassify the aircraft, stating it is non-operational. Include the following:

(1) Relevant Federal Supply Classification (FSC) groups, if applicable; and

(2) Description of the aircraft's condition.

(b) When an aircraft is lost or destroyed, or is otherwise non-operational and you want to retain it, you may declassify it and remove it from your Federal aircraft inventory.

§ 102–33.260 Federal aircraft cost and utilization data.

(a) You must report costs and flight hours for each Federal aircraft (including UAS), including both Federal and CAS expenses. For data element details, see the U.S. Government Aircraft CAG at www.gsa.gov/aviationpolicy.

(b) All executive agencies—excluding the Armed Forces and Intelligence Community—must report Federal aircraft cost and utilization data.

(c) Report data for loaned aircraft only if Federal funds were used.

§ 102–33.265 CAS cost and utilization data.

(a) Executive agencies, excluding the Armed Forces and Intelligence Community, must report CAS cost and utilization data if they make payments for such services:

(1) Charter or rent aircraft;

(2) Lease or lease-purchase aircraft;

(3) Hire aircraft and related services through an ISSA or a full-service contract; or

(4) Obtain related aviation services through an ISSA or by contract except when you use the services in support of Federal aircraft.

(b) You must report:

(1) Costs and flight hours for each hired CAS aircraft; and

(2) Costs and contract periods for related aviation services, whether by contract or ISSA.

(c) Do not report CAS used to support Federal (owned) aircraft. The owning agency must report all related costs and usage in FAIRS. See the CAG at www.gsa.gov/aviationpolicy.

§ 102–33.270 Aircraft accident and incident.

Report all NTSB-reportable aviation accidents and incidents to GSA within 14 days at <https://www.gsa.gov/aviationpolicy>.

§ 102–33.275 Development of performance indicators.

Your agency must develop performance indicators to measure the achievement of key aviation program objectives:

(a) Measure the aviation program's contribution to the agency's mission;

(b) Justify aviation program budget requests; and

(c) Demonstrate the program's effectiveness and efficiency.

■ 4. Revise part 102–34 to read as follows:

PART 102–34—MOTOR VEHICLE MANAGEMENT

Subpart A—General Provisions

Sec.

102–34.5 Scope of this part.

102–34.10—102–34.15 [Reserved]

102–34.20 Motor vehicles not covered by this part.

102–34.25—102–34.30 [Reserved]

102–34.35 Definitions.

Subpart B—Obtaining Fuel Efficient Motor Vehicles

102–34.40 Government motor vehicle fuel efficiency requirements.

102–34.45—102–34.50 [Reserved]

102–34.55 Fleet average fuel economy standards.

102–34.60—102–34.80 [Reserved]

Subpart C—Identifying and Registering Motor Vehicles

102–34.85 [Reserved]

102–34.90 Government motor vehicle identification.

102–34.95 Government motor vehicle license plates.

102–34.110—102–34.115 [Reserved]

102–34.120 Government motor vehicle registration.

102–34.125—102–34.150 [Reserved]

102–34.155 Government motor vehicle identification exemptions.

102–34.160—102–34.195 [Reserved]

Subpart D—Government Motor Vehicle Use

102–34.200 Government motor vehicle official use.

102–34.205 Government motor vehicle use for transportation between an employee's residence and place of employment (home-to-work transportation).

102–34.210 Government motor vehicle use for transportation between places of employment and mass transit facilities.

102–34.215 [Reserved]

102–34.220 Government motor vehicle misuse.

102–34.225–102–34.250 [Reserved]

Subparts E–I [Reserved]

Subpart J—Government Motor Vehicle Data Collection and Reporting

102–34.330 Federal Fleet Report.

102–34.335 [Reserved]

102–34.340 Fleet management information systems.

102–34.345 Government motor vehicle records.

Subpart K—[Reserved]

Authority: 31 U.S.C. 1344; 40 U.S.C. 121(c); 40 U.S.C. 609, 40 U.S.C. 611; 40 U.S.C. 17503; 49 U.S.C. 32917; E.O. 12375, 47 FR 34105, 3 CFR, 1982 Comp., p. 202.

Subpart A—General Provisions

§ 102–34.5 Scope of this part.

(a) This part governs the economical and efficient management and control of motor vehicles that the Government owns, leases commercially or leases through the General Services Administration Fleet (GSA Fleet®). Executive agencies must comply with the provisions of this entire part.

(b) This part also governs the use of Government passenger carriers to transport employees between their homes and places of employment (Home-to-Work Transportation). The Home-to-Work Transportation section (§ 102–32.405 of this chapter) applies to Federal agency employees in the executive, judicial, and legislative branches of the Government, with the exception of employees of the Senate, House of Representatives, Architect of the Capitol, and government of the District of Columbia.

(c) Implementing guidance and related policies are contained in separate customer service guides that may be found at <https://www.gsa.gov/vehiclepolicy>. For more information, contact GSA at vehicle.policy@gsa.gov.

§§ 102–34.10–102–34.15 [Reserved]

§ 102–34.20 Motor vehicles not covered by this part.

Motor vehicles not covered by this part are:

(a) Military design motor vehicles;

(b) Motor vehicles used for military field training, combat, or tactical purposes;

(c) Motor vehicles used principally within the confines of a regularly established military post, camp, or depot; and

(d) Motor vehicles regularly used by an agency to perform investigative, law

enforcement, or intelligence duties, if the head of the agency determines that exclusive control of the vehicle is essential for effective performance of duties, although such vehicles are subject to subpart D of this part with the exception of § 102–34.205 and subpart J of this part.

§§ 102–34.25–102–34.30 [Reserved]

§ 102–34.35 Definitions.

The following definitions apply to this part:

Agency head means the highest official of a Federal agency.

Clear and present danger means highly unusual circumstances that present a threat to the physical safety of the employee or their property when the danger is real, immediate or imminent, not merely potential, and the use of a Government passenger carrier would provide protection not otherwise available.

Commercial design motor vehicle means a motor vehicle procurable from regular production lines and designed for use by the general public.

Commercial lease or lease commercially means obtaining a motor vehicle by contract or other arrangement from a commercial source for 120 continuous days or more.

Compelling operational considerations means those circumstances where home-to-work transportation is essential to the conduct of official business or would substantially increase a Federal agency's efficiency and economy.

Domestic fleet means all reportable motor vehicles operated in any State, Commonwealth, territory or possession of the United States, and the District of Columbia.

Emergency means circumstances that exist whenever there is an immediate, unforeseeable, temporary need to provide home-to-work transportation for those employees necessary to the uninterrupted performance of the agency's mission. (An emergency may occur where there is a major disruption of available means of transportation to or from a work site, an essential Government service must be provided, and there is no other way to transport those employees.)

Employee means a Federal officer or employee of a Federal agency, including an officer or enlisted member of the Armed Forces.

Executive agency means an executive department, a Government corporation, and an independent establishment.

Federal agency means:

(1) A department (as defined in section 18 of the Act of August 2, 1946 (41 U.S.C. 5a));

(2) An executive department (as defined in 5 U.S.C. 101);

(3) A military department (as defined in 5 U.S.C. 102);

(4) A Government corporation (as defined in 5 U.S.C. 103(1));

(5) A Government controlled corporation (as defined in 5 U.S.C. 103(2));

(6) A mixed-ownership Government corporation (as defined in 31 U.S.C. 9101(2));

(7) Any establishment in the executive branch of the Government (including the Executive Office of the President);

(8) Any independent regulatory agency (including an independent regulatory agency specified in 44 U.S.C. 3502(10));

(9) The Smithsonian Institution;

(10) Any nonappropriated fund instrumentality of the United States; and

(11) The United States Postal Service.

Field work means official work requiring the employee's presence at various locations other than their regular place of work. (Multiple stops (itinerant-type travel) within the accepted local commuting area, limited use beyond the local commuting area, or transportation to remote locations that are only accessible by Government-provided transportation are examples of field work.)

Foreign fleet means all reportable motor vehicles operated in areas outside any State, Commonwealth, territory or possession of the United States, and the District of Columbia.

Government motor vehicle means any motor vehicle that the Government owns or leases. This includes motor vehicles obtained through purchase, excess, forfeiture, commercial lease, or GSA Fleet® lease.

Government-owned motor vehicle means any motor vehicle that the Government has obtained through purchase, excess, forfeiture, or otherwise and for which the Government holds title.

GSA Fleet lease means obtaining a motor vehicle from the GSA Fleet®.

Law enforcement motor vehicle means a light duty motor vehicle that is specifically approved in an agency's appropriation act for use in apprehension, surveillance, police or other law enforcement work or specifically designed for use in law enforcement. If not identified in an agency's appropriation language, a motor vehicle qualifies as a law enforcement motor vehicle only in the following cases:

(1) A passenger automobile having heavy duty components for electrical,

cooling and suspension systems and at least the next higher cubic inch displacement or more powerful engine than is standard for the automobile concerned;

(2) A light truck having emergency warning lights and identified with markings such as “police;”

(3) An unmarked motor vehicle certified by the agency head as essential for the safe and efficient performance of intelligence, counterintelligence, protective, or other law enforcement duties; or

(4) A forfeited motor vehicle seized by a Federal agency that is subsequently used for the purpose of performing law enforcement activities.

Light duty motor vehicle means any motor vehicle with a gross motor vehicle weight rating (GVWR) of 8,500 pounds or less.

Military design motor vehicle means a motor vehicle (excluding commercial design motor vehicles) designed according to military specifications to directly support combat or tactical operations or training for such operations.

Motor vehicle means any vehicle, self propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, but does not include a military design motor vehicle or vehicles not covered by this part.

Motor vehicle identification means the legends “For Official Use Only” and “U.S. Government” placed on a motor vehicle plus other legends readily identifying the department, agency, establishment, corporation, or service by which the motor vehicle is used.

Motor vehicle purchase means buying a motor vehicle from a commercial source, usually a motor vehicle manufacturer or a motor vehicle manufacturer’s dealership.

Motor vehicle rental means obtaining a motor vehicle by contract or other arrangement from a commercial source for less than 120 continuous days.

Motor vehicles transferred from excess means obtaining a motor vehicle reported as excess and transferred with or without cost.

Owning agency means the executive agency that holds the vehicle title, manufacturer’s Certificate of Origin, or is the lessee of a commercial lease. This term does not apply to agencies that lease motor vehicles from the GSA Fleet®.

Passenger automobile means a sedan or station wagon designed primarily to transport people.

Passenger carrier means a motor vehicle, aircraft, boat, ship, or other similar means of transportation that is

owned (including those that have come into the possession of the Government by forfeiture or donation), leased, or rented (non-temporary duty (TDY)) by the United States Government.

Reportable motor vehicles are any Government motor vehicles used by an executive agency or activity, including those used by contractors. Also included are motor vehicles designed or acquired for a specific or unique purpose, including motor vehicles that serve as a platform or conveyance for special equipment, such as a trailer. Excluded are material handling equipment and construction equipment not designed and used primarily for highway operation (e.g., if it must be trailered or towed to be transported).

Using agency means an executive agency that obtains motor vehicles from the GSA Fleet®, commercial firms or another executive agency and does not hold the vehicle title or manufacturer’s Certificate of Origin. However, this does not include an executive agency that obtains a motor vehicle by motor vehicle rental.

Subpart B—Obtaining Fuel Efficient Motor Vehicles

§ 102–34.40 Government motor vehicle fuel efficiency requirements.

(a) Executive agencies operating domestic fleets must comply with the following motor vehicle fuel efficiency requirements, specifically applicable to passenger automobiles:

(1) Obtain the minimum size of motor vehicle necessary to fulfill the agency’s mission;

(2) Obtain motor vehicles that achieve maximum fuel efficiency;

(3) Limit motor vehicle body size, engine size and optional equipment to what is essential to meet the agency’s mission;

(4) With the exception of motor vehicles used by the President and Vice President and motor vehicles for security and highly essential needs, obtain midsize or smaller sedans; and

(5) Obtain large sedans only when such motor vehicles are essential to the agency’s mission.

(b) Agencies must establish and document a structured vehicle allocation methodology to determine the appropriate size and number of motor vehicles.

(c) This subpart does not apply to motor vehicles exempted by law or other regulations, such as law enforcement or emergency rescue work and foreign fleets. Other Federal agencies are encouraged to comply so that maximum energy conservation benefits may be realized in obtaining,

operating, and managing Government motor vehicles.

§§ 102–34.45–102–34.50 [Reserved]

§ 102–34.55 Fleet average fuel economy standards.

(a) Section 32917 of title 49, U.S. Code, and E.O. 12375 require that each executive agency meet the fleet average fuel economy standards in place as of January 1 of each fiscal year. The standards for passenger automobiles are prescribed in 49 U.S.C. 32902(b). The Department of Transportation publishes the standards for light trucks and amendments to the standards for passenger automobiles at <https://www.dot.gov>.

(b) Guidance on fleet average fuel economy standards including calculation methods, exemption request procedures, records management protocols, and compliance requirements is available in a customer service guide that may be found at <https://www.gsa.gov/vehiclepolicy>. For more information, contact GSA at vehicle.policy@gsa.gov.

(c) This section does not apply to military design motor vehicles, law enforcement motor vehicles, or motor vehicles intended for emergency rescue.

§§ 102–34.60–102–34.80 [Reserved]

Subpart C—Identifying and Registering Motor Vehicles

§ 102–34.85 [Reserved]

§ 102–34.90 Government motor vehicle identification.

All Government motor vehicles must display the following identification unless exempted under this subpart:

- (a) “For Official Use Only”;
- (b) “U.S. Government”; and
- (c) Identification that readily identifies the agency owning the vehicle.

§ 102–34.95 Government motor vehicle license plates.

U.S. Government license plates must be used on Government motor vehicles unless exempted under this subpart. U.S. Government license plates may not be used on motor vehicles not owned or leased by the Government. U.S. Government license plates for domestic fleets may be obtained from the U.S. Department of Justice, UNICOR (Federal Prison Industries). GSA has established a Memorandum of Understanding (MOU) on behalf of all Federal agencies with UNICOR for the procurement of official U.S. Government license plates. Each agency must execute an addendum to this MOU providing plate design and specific ordering and payment

information before ordering license plates. U.S. Government license plate design will have numbers preceded by a letter code that designates the owning agency for the motor vehicle. For assistance with any issues involving license plates including to obtain a new license plate code designation, contact GSA at vehicle.policy@gsa.gov.

§§ 102–34.110–102–34.115 [Reserved]

§ 102–34.120 Government motor vehicle registration.

Government motor vehicles displaying U.S. Government license plates and motor vehicle identification must be registered in the Federal Government Motor Vehicle Registration System. GSA Fleet® may register motor vehicles leased from GSA Fleet®. Motor vehicles that have been exempted from the requirement to display official U.S. Government license plates under this subpart must be registered and inspected in accordance with the laws of the jurisdiction where the motor vehicle is regularly operated.

§§ 102–34.125–102–34.150 [Reserved]

§ 102–34.155 Government motor vehicle identification exemptions.

(a) The head of the agency or designee may authorize a limited exemption to the display of U.S. Government license plates and motor vehicle identification upon written certification stating that identifying the motor vehicle would endanger the security of the vehicle occupants or otherwise compromise the agency mission. A limited exemption may last from one day up to three years before recertification is required. Motor vehicles used primarily for investigative, law enforcement, intelligence, or security duties have an unlimited exemption from displaying U.S. Government license plates and motor vehicle identification when identifying these motor vehicles would interfere with those duties. Motor vehicles assigned for the use of the President and the heads of executive departments specified in 5 U.S.C. 101 have special exemptions from the requirement to display motor vehicle identification.

(b) For motor vehicles that are exempt from motor vehicle identification requirements, display the regular license plates of the State, Commonwealth, territory or possession of the United States, or the District of Columbia, where the motor vehicle is principally operated.

§§ 102–34.160–102–34.195 [Reserved]

Subpart D—Government Motor Vehicle Use

§ 102–34.200 Government motor vehicle official use.

Official use of a Government motor vehicle is using a Government motor vehicle to perform your agency's mission(s), as authorized by your agency.

§ 102–34.205 Government motor vehicle use for transportation between an employee's residence and place of employment (home-to-work transportation).

Employees engaged in field work, or faced with a clear and present danger, an emergency, or a compelling operational consideration may utilize home-to-work transportation only when authorized by the agency head after making the necessary determination under 31 U.S.C. 1344.

(a) This section covers the use of Government passenger carriers to transport employees between their homes and places of work. This section covers Federal agency employees in the executive, judicial, and legislative branches of the Government, with the exception of employees of the Senate, House of Representatives, Architect of the Capitol, and government of the District of Columbia.

(b) This section does not apply to home-to-work transportation use in conjunction with official travel—including TDY or relocation, performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties when designated in writing as such by an agency head, or transportation between places of employment and mass transit facilities.

(c) The agency head may not delegate the authority to make home-to-work determinations.

(d) Home-to-work determinations should be completed before an employee is provided home-to-work transportation unless it is impracticable to do so.

(e) The comfort and/or convenience of an employee is not considered sufficient justification to authorize a home-to-work transportation determination.

(f) The use of home-to-work transportation for field work should be authorized only to the extent that such transportation will substantially increase the efficiency and economy of the Government and agencies should consider the location of the employee's home in proximity to their work and to the locations where non-TDY travel is required.

(g) Determinations must be in writing and include the name and title of the employee, the reason for authorizing home-to-work transportation, and anticipated duration of the authorization. An agency head may elect to designate positions rather than individual names, especially in positions where rapid turnover occurs. If positions are identified rather than named individuals, the determination for field work should include sufficient information to satisfy an audit, if necessary. This information should include the job title, number, and operational level where the work is to be performed.

(h) Initial determinations are effective for no longer than two years for field work, updated as necessary; and fifteen days for other circumstances.

(i) The agency head may approve unlimited subsequent determinations, when the need for home-to-work transportation exceeds the initial period, for no longer than two years each for field work, updated as necessary; and ninety calendar days each for other circumstances.

(j) Situations may arise where, for cost or other reasons, it is in the Government's interest to base a Government passenger carrier at a Government facility located near the employee's home or work rather than authorize home-to-work transportation.

(k) Report your determinations to Congress no later than 60 calendar days after approval and quarterly for any subsequent determinations to the following congressional committees:

(1) Chairman, Committee on Governmental Affairs, United States Senate, Suite SD–340, Dirksen Senate Office Building, Washington, DC 20510–6250; and

(2) Chairman, Committee on Governmental Reform, United States House of Representatives, Suite 2157, Rayburn House Office Building, Washington, DC 20515–6143.

§ 102–34.210 Government motor vehicle use for transportation between places of employment and mass transit facilities.

Government motor vehicles may be used for transportation between places of employment and mass transit facilities in accordance with 31 U.S.C. 1344(g) under the following conditions:

(a) The head of your agency must make a determination in writing, valid for one year, that such use is appropriate and consistent with sound budget policy, and the determination must be kept on file;

(b) There is no safe and reliable commercial or duplicative Federal mass

transportation service that serves the same route on a regular basis;

(c) This transportation is made available, space provided, to other Federal employees;

(d) Alternative fuel vehicles should be used to the maximum extent practicable;

(e) This transportation should be provided in a manner that does not result in any additional gross income for Federal income tax purposes; and

(f) Motor vehicle ridership levels must be frequently monitored to ensure cost/benefit of providing and maintaining this transportation.

§ 102–34.215 [Reserved]

§ 102–34.220 Government motor vehicle misuse.

Willful misuse of a Government motor vehicle will be reported to the agency head to investigate and, if appropriate, take disciplinary action under 31 U.S.C. 1349 or the violation will be reported to the Attorney General for prosecution under 18 U.S.C. 641.

§§ 102–34.225–102–34.250 [Reserved]

Subparts E–I [Reserved]

Subpart J—Government Motor Vehicle Data Collection and Reporting

§ 102–34.330 Federal Fleet Report.

The Federal Fleet Report (FFR) is an annual summary of Federal fleet statistics based upon fleet composition at the end of each fiscal year and vehicle use and cost during the fiscal year. The FFR is compiled by GSA from information submitted by Federal agencies. The FFR is designed to provide essential statistical data for worldwide Federal motor vehicle fleet operations. Annually, agencies are required to submit comprehensive motor vehicle data to GSA using a standardized Federal reporting system as designated by GSA. Agencies must provide detailed asset-level data for each vehicle owned, leased, managed, and operated by the Federal Government. GSA publishes the FFR aggregate metrics on inventory, acquisitions, operating costs, miles traveled and fuel consumption.

§ 102–34.335 [Reserved]

§ 102–34.340 Fleet management information systems.

Each agency must have a fleet management information system at the department or agency level that identifies and collects accurate inventory, cost, and use data that covers the complete lifecycle of each motor vehicle (acquisition, operation,

maintenance, and disposal); and provides the information necessary to satisfy both internal and external reporting requirements, including cost per mile, fuel costs for each motor vehicle, and data required for annual collection and reporting of Federal fleet asset-level data.

§ 102–34.345 Government motor vehicle records.

Each agency is responsible for developing and keeping adequate accounting and reporting procedures for Government motor vehicles. These will ensure accurate recording of inventory, cost, and operational data needed to manage and control motor vehicles, and will satisfy reporting requirements.

Subpart K—[Reserved]

■ 5. Revise part 102–35 to read as follows:

PART 102–35—DISPOSITION OF PERSONAL PROPERTY

Sec.

102–35.5 Scope.

102–35.10 Excess personal property disposal process.

102–35.15 Deviations.

102–35.20 Definitions.

Authority: 40 U.S.C. 121(c).

§ 102–35.5 Scope.

The General Services Administration's (GSA) personal property disposal regulations are contained in this part and parts 102–36 through 102–42 of this subchapter. With two exceptions, this part covers the disposal of personal property under the custody and control of executive agencies located in the United States (U.S.), the U.S. Virgin Islands, American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau. The exceptions to this coverage are part 102–39 of this subchapter, which applies to the replacement of all property owned by executive agencies worldwide using the exchange/sale authority, and §§ 102–36.210 through 102–36.225 of this subchapter, which apply to the disposal of foreign excess personal property. All executive agencies must comply with the provisions of this part and parts 102–36 through 102–42 unless authorized by specific, separate statutory authority to do otherwise. The legislative and judicial branches are encouraged to follow this part and parts 102–36 through 102–42 for property in their custody and control.

§ 102–35.10 Excess personal property disposal process.

(a) Personal property not needed by your activity must first be offered for use elsewhere within your agency via internal screening. If the property is not needed by any activity within your agency, your agency must report the property as excess to GSA for possible transfer to eligible recipients.

(b) If no Federal agencies request the excess personal property, GSA declares the property to be surplus and makes it available for donation to eligible non-Federal recipients.

(c) Surplus personal property not selected for donation is offered for sale to the public by competitive offerings. Sales must be conducted in accordance with part 102–38 of this subchapter.

(d) If a written determination is made that the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale, you may dispose of the property by abandonment or destruction, or donate it to public bodies. This determination may occur at any stage of the disposal process.

§ 102–35.15 Deviations.

All provisions in parts 102–36 through 102–42 of this subchapter are subject to deviation with adequate justification except for those mandated by statute, as described in §§ 102–39.20(a)(2) and 102–39.30 of this subchapter. See §§ 102–2.60 through 102–2.110 of this chapter to request a deviation.

§ 102–35.20 Definitions.

The following definitions apply to GSA's personal property regulations in parts 102–35 through 102–42 of this subchapter.

Accountability means the ability to account for personal property by providing a complete audit trail for property transactions from receipt to final disposition.

Acquire means to procure or otherwise obtain personal property, including by lease.

Acquisition cost means the original purchase price of an item.

Allocation means the process by which GSA identifies the recipient to receive excess property per § 102–36.140 of this subchapter, or surplus property per § 102–37.40 of this subchapter.

Ammunition as defined in 18 U.S.C. 921(a)(17), means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

Ammunition components mean the individual parts of ammunition,

including cartridge cases, primers, bullets/projectiles, and propellant powder.

Auction means a competitive sale where the bid amounts of different bidders are disclosed as they are submitted, providing bidders with the option to increase their bids if they choose. Bids are submitted as specified by the selling agency. The bidder with the highest bid at the close of each bidding process is normally awarded the property.

Bid means a response to an offer to sell that, if accepted, would bind the bidder to the terms and conditions of the contract (including the bid price).

Bidder means any entity that is responding to or has responded to an offer to sell.

Biologicals means hazardous materials associated with the products and operations of applied biology and/or biochemistry, especially serums, vaccines, etc., produced from microorganisms.

Cannibalization means to remove serviceable parts from one item of equipment to install them on another item of equipment.

Combat material means arms, ammunition, and implements of war listed in the U.S. munitions list (22 CFR part 121).

Commerce Control List Items (CCLIs) are dual use (commercial/military) items that are subject to export control by the Bureau of Industry and Security, Department of Commerce. These items have been identified in the U.S. Export Administration Regulations (15 CFR part 774) as export controlled for reasons of national security, crime control, technology transfer, and scarcity of materials.

Control means the ongoing function of maintaining physical oversight and surveillance of personal property throughout its complete life cycle using various property management tools and techniques considering the environment in which the property is located and its vulnerability to theft, waste, fraud, or abuse.

Controlled substances mean:

(1) Any narcotic, depressant, stimulant, or hallucinogenic drug, or any other drug or substance included in Schedules I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812), except exempt chemical preparations and mixtures and excluded substances contained in 21 CFR part 1308; or

(2) Any other drug or substance that the Attorney General determines to be subject to control under Subchapter I of the Controlled Substances Act (21 U.S.C. 801, *et seq.*); or

(3) Any other drug or substance that by international treaty, convention, or protocol is to be controlled by the U.S.

Cooperative means the organization or entity that has a cooperative agreement with a Federal agency.

Cooperative agreement means a legal instrument reflecting a relationship between a Federal agency and a non-Federal recipient, made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301–6308), under any or all the following circumstances:

(1) The purpose of the relationship is the transfer, between a Federal agency and a non-Federal entity, of money, property, services, or anything of value to accomplish a public purpose authorized by law, rather than by purchase, lease, or barter, for the direct benefit or use of the Federal Government.

(2) Substantial involvement is anticipated between the Federal agency and the cooperative during the performance of the agreed upon activity.

(3) The cooperative is a State or local government entity, or any person or organization authorized to receive Federal assistance or procurement contracts.

Demilitarization means, as defined by the Department of Defense, the act of destroying the military capabilities inherent in certain types of equipment or material. Such destruction may include mutilation, cutting, crushing, scrapping, melting, burning, or alteration to prevent further use of the item for its originally intended purpose.

Donee means any of the following entities that receive Federal surplus personal property through a State Agency for Surplus Property (SASP):

(1) A service educational activity (SEA).

(2) A public agency which uses surplus personal property to carry out or promote one or more public purposes. (Public airports are an exception and are only considered donees when they elect to receive surplus property through a SASP, but not when they elect to receive surplus property through the Federal Aviation Administration (FAA) as discussed in part 102–37 of this subchapter.)

(3) An eligible nonprofit tax-exempt educational or public health institution (including a provider of assistance to homeless or impoverished families or individuals).

(4) A State or local government agency, or a nonprofit organization or institution, that receives funds appropriated for a program for older individuals.

Estimated fair market value means the selling agency's best estimate of what the property would be sold for if offered for public sale.

Excess personal property means any personal property under the control of any Federal agency that is no longer required for that agency's needs, as determined by the agency head or designee.

Exchange means to replace personal property by trade or trade-in with the supplier of the replacement property.

Exchange/sale means to exchange or sell non-excess, non-surplus personal property and apply the exchange allowance or proceeds of sale in whole or in part payment for the acquisition of similar property.

Executive agency means any executive department or independent establishment in the executive branch of the Government, including any wholly owned government corporation.

Extremely hazardous personal property means property hazardous to the extent that it generally requires special handling such as licensing and training of handlers, protective clothing, and special containers and storage. Because of its extreme flammability, toxicity, corrosivity or other perilous qualities, it could constitute an immediate danger or threat to life and property, and which usually have specialized uses under controlled conditions. It is also material which has been determined by the holding agency to endanger public health and safety or the environment if released to the public.

Fair market value means the best estimate of the gross sales proceeds if the property were to be sold in a public sale.

Federal agency means any executive agency or any establishment in the legislative or judicial branch of the government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the Architect's direction).

Firearm means any weapon, silencer, or destructive device designed to, or readily convertible to, expel a projectile by the action of an explosive, as defined in 26 U.S.C. 5845 and/or 18 U.S.C. 921(a)(3). Excludes antique firearms as defined in 26 U.S.C. 5845(g).

Flight Safety Critical Aircraft Part (FSCAP) (see § 102–33.20 of this subchapter).

Foreign excess personal property is any U.S. owned excess personal property located outside the U.S., the U.S. Virgin Islands, American Samoa, Guam, Puerto Rico, the Federated States of Micronesia, the Marshall Islands,

Palau, and the Northern Mariana Islands.

Forfeited property means personal property that the Government has acquired ownership of through a summary process or court order pursuant to any law of the U.S.

Grant means a type of assistance award and a legal instrument which permits a Federal agency to transfer money, property, services or other things of value to a grantee when no substantial involvement is anticipated between the agency and the recipient during the performance of the contemplated activity.

Hazardous personal property means property that is deemed a hazardous material, chemical substance or mixture, or hazardous waste under the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 5101), the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901–6981), or the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601–2609).

Holding agency refers to the agency having accountability for, and generally possession of, the property involved.

Intangible personal property means personal property in which the existence and value of the property is generally represented by a descriptive document rather than the property itself. Examples include patents, patent rights, processes, techniques, inventions, copyrights, negotiable instruments, money orders, bonds, and shares of stock.

Inventory includes a formal listing of all accountable property items assigned to an agency, along with a formal process to verify the condition, location, and quantity of such items. This term may also be used as a verb to indicate the actions leading to the development of a listing. In this sense, an inventory must be conducted using a physical count, electronic means, and/or statistical methods.

Life-limited part (see § 102–33.20 of this subchapter).

Line item means a single line entry, on a reporting form or transfer order, for items of property of the same type having the same description, condition code, and unit cost.

Munitions List Item (MLI) means property and related technical data designated as defense articles and defense services pursuant to the Arms Export Control Act (22 U.S.C. 2778 and 2794(7)).

National property management officer means an official, designated in accordance with § 102–36.10(b) of this subchapter, who is responsible for ensuring effective acquisition, use, and

disposal of excess property within your agency.

Negotiated sale means a sale where the selling price is arrived at between the seller and the buyer, subject to obtaining such competition as is feasible under the circumstances.

Nonappropriated fund activity means an activity or entity that is not funded by money appropriated from the general fund of the U.S. Treasury, such as post exchanges, ship stores, military officers' clubs, veterans' canteens, and similar activities. Such property is not Federal property.

Offer to sell means a notice listing the terms and conditions for bidding on an upcoming sale of personal property. Prospective purchasers are advised of the requirements for a responsive bid and the contractual obligations once a bid is accepted.

Period of restriction means the period of time for keeping donated property in use for the purpose for which it was donated.

Perishable means an item subject to rapid deterioration, spoilage or death, when removed from special storage conditions or care, such as fresh food, animals, and plants.

Personal property means any property, except real property. The term excludes records of the Federal Government, and naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers, and submarines.

Project grantee means a recipient of a grant made for a specific purpose and with a specific termination date.

Property management means the system of acquiring, maintaining, using, and disposing of the personal property of an organization or entity.

Public agency means any state, political subdivision thereof, including any unit of local government or economic development district; any department, agency, or instrumentality thereof, including instrumentalities created by compact or other agreement between States or political subdivisions; multijurisdictional substate districts established by or pursuant to State law; or any Indian Tribe, band, group, pueblo, or community located on a State reservation.

Public body means any department, agency, special purpose district, or other instrumentality of a State or local government; any Indian Tribe; or any agency of the Federal Government.

Reagent means any hazardous material used to detect or measure another substance or to convert one substance into another by means of the reactions it causes.

Replacement means the process of acquiring personal property to be used in place of personal property that is still needed but:

- (1) No longer adequately performs the tasks for which it is used; or
- (2) Does not meet the agency's need as well as the personal property to be acquired.

Salvage means property that has value greater than its basic material content but for which repair or rehabilitation is clearly impractical and/or uneconomical.

Scrap means property that has no value except for its basic material content.

Screening means the process of physically inspecting property or reviewing lists or reports of property to determine whether property is usable or needed for donation purposes.

Screening period means the period in which excess and surplus personal property are made available for excess transfer or surplus donation to eligible recipients.

Sealed bid sale means a competitive sale where bid prices are kept confidential until the bid opening. Bids are submitted as specified by the selling agency. All bids are held for public disclosure at a designated time and place.

Seized property means personal property that has been confiscated by a Federal agency, and whose care and handling will be the responsibility of the agency until final ownership is determined by the judicial process.

Service educational activity (SEA) means any educational activity designated by the Secretary of Defense as being of special interest to the armed forces, e.g., maritime academies or military, naval, Air Force, or U.S. Coast Guard preparatory schools.

Shelf-life item is any item that deteriorates over time or has unstable characteristics such that a storage period must be assigned to assure the item is issued within that period to provide satisfactory performance.

Similar means the acquired item(s) and replaced item(s):

- (1) Are identical; or
- (2) Fall within a single Federal Supply Classification (FSC) Group of property (includes all forms of property within a single FSC Group); or
- (3) Are parts or containers for similar end items; or
- (4) Are designed or constructed for the same general purpose (including all forms of property regardless of the FSC Group to which they are assigned).

Spot bid sale means a competitive sale where immediately following the offering of the property, bids are

examined, and awards are made or bids rejected on the spot. Bids are submitted as specified by the selling agency and must not be disclosed prior to announcement of award.

State means one of the 50 States, the District of Columbia, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.

State Agency for Surplus Property (SASP) means the agency designated under State law to receive Federal surplus personal property for distribution to eligible donees within the State as provided for in 40 U.S.C. 549.

State or local government means a State, territory, possession, political subdivision thereof, or tax-supported agency therein.

Surplus personal property (surplus) means excess personal property not required for the needs of any Federal agency, as determined by GSA.

Surplus release date means the date on which Federal utilization screening of excess personal property has been completed, and the property is available for donation as surplus.

Transfer with reimbursement means a transfer of excess personal property between Federal agencies where the recipient is required to pay, *i.e.*, reimburse the holding agency, for the property.

Transferee means a public airport receiving surplus property from a holding agency through the FAA, or SASP.

Unclaimed property means personal property unknowingly abandoned and found on premises owned or leased by the Government, *i.e.*, lost and found property.

United States (U.S.) means all the 50 States and the District of Columbia.

Utilization means the identification, reporting, and transfer of excess personal property among Federal agencies.

Vessels means ships, boats and craft designed for navigation in and on the water, propelled by oars or paddles, sail, or power.

Voluntarily abandoned property means personal property abandoned to any Federal agency in a way that immediately vests title to the property in the Government. There must be written or circumstantial evidence that the property was intentionally and voluntarily abandoned. This evidence should be clear that the property was simply not lost by the owner.

■ 6. Revise part 102–36 to read as follows:

PART 102–36—DISPOSITION OF EXCESS PERSONAL PROPERTY

Subpart A—General Provisions

Sec.

- 102–36.5 Scope.
- 102–36.10 Agency responsibilities.
- 102–36.15 Contractors.
- 102–36.20 GSA responsibilities.

Subpart B—Acquiring Excess Personal Property for Our Agency

- 102–36.25 Eligibility.
- 102–36.30 Maximize use of excess personal property.
- 102–36.35 Considerations.
- 102–36.40 Excess personal property transfer costs.
- 102–36.45 Transfer with reimbursement.
- 102–36.50 Excess personal property screening period.
- 102–36.55 Agency responsibilities in transfer order processing.
- 102–36.60 Excess personal property removal.
- 102–36.65 Direct transfers.

Subpart C—Acquiring Excess Personal Property for Non-Federal Recipients

- 102–36.70 Acquiring excess personal property for non-Federal activities.
- 102–36.75 Responsibilities when acquiring excess personal property for use by a non-Federal recipient.
- 102–36.80 Nonappropriated fund activity and title retention.
- 102–36.85 Transfers of personal property owned by a nonappropriated fund activity.
- 102–36.90 Contractor restrictions.
- 102–36.95 Cooperative limitations.
- 102–36.100 Grantee requirements.
- 102–36.105 Fee when furnishing excess personal property to project grantees.
- 102–36.110 Type of excess personal property furnished to project grantees.
- 102–36.115 Excess personal property for cannibalization purposes by grantees.
- 102–36.120 Limit on excess personal property furnished to grantees.

Subpart D—Disposition of Excess Personal Property

- 102–36.125 Reporting requirements and exceptions.
- 102–36.130 Accountability.
- 102–36.135 Physical custody.
- 102–36.140 Competing requests.
- 102–36.145 Disposal of excess personal property without GSA approval.
- 102–36.150 Disposal process withdrawal.
- 102–36.155 Reimbursement conditions.
- 102–36.160 Reimbursement amount.
- 102–36.165 Abandonment/destruction.
- 102–36.170 Abandonment/destruction authority restrictions.

Subpart E—Personal Property Whose Disposal Requires Special Handling

- 102–36.175 Excess aircraft disposal.
- 102–36.180 Excess Flight Safety Critical Aircraft Parts (FSCAP) disposal.
- 102–36.185 FSCAP identification.
- 102–36.190 FSCAP Criticality Codes.
- 102–36.195 Disposing of life-limited aircraft parts without an FSCAP designation.

- 102–36.200 Special requirements for disaster relief.
- 102–36.205 Excess firearms disposal.
- 102–36.210 Agency responsibilities in foreign excess personal property disposal.
- 102–36.215 Foreign excess personal property disposal options.
- 102–36.220 GSA assistance in foreign excess personal property disposal.
- 102–36.225 Foreign excess personal property transportation costs.
- 102–36.230 Gift disposal.
- 102–36.235 Money or intangible personal property disposal.
- 102–36.240 Gift disposal other than intangible personal property.
- 102–36.245 Excess Munitions List Items (MLIs)/Commerce Control List Items (CCLIs).
- 102–36.250 Identifying DEMIL requirements.
- 102–36.255 Excess shelf-life items.
- 102–36.260 Excess medical shelf-life items held for national emergency purposes.
- 102–36.265 Transferring or exchanging excess medical shelf-life items with other Federal agencies.
- 102–36.270 Excess vessels.
- 102–36.275 Excess hazardous personal property.

Authority: 40 U.S.C. 121(c); 40 U.S.C. 521.

Subpart A—General Provisions

§ 102–36.5 Scope.

This part covers excess personal property disposal located in the United States (U.S.), the U.S. Virgin Islands, American Samoa, Guam, Puerto Rico, the Federated States of Micronesia, the Marshall Islands, Palau, and the Northern Mariana Islands by executive agencies. Use of pronouns “we,” “you,” and their variants throughout this part refer to the agency.

§ 102–36.10 Agency responsibilities.

(a) Agency procurement policies must require consideration of excess personal property before authorizing procurement of new personal property.

(b) You are encouraged to designate national and regional property management officials to:

(1) Promote the use of available excess personal property to the maximum extent practicable by your agency.

(2) Review and approve the acquisition and disposal of excess personal property.

(3) Ensure that any agency implementing procedures comply with this part.

(c) When acquiring excess personal property, you must:

(1) Limit the quantity acquired to that which is needed to adequately perform the function necessary to support the mission of your agency.

(2) Establish controls over the processing of excess personal property transfer orders.

(3) Facilitate the timely pickup of acquired excess personal property from the holding agency.

(d) While excess personal property you have acquired is in your custody, or the custody of your non-Federal recipients and the Government retains title, you and/or the non-Federal recipient must do the following:

(1) Establish and maintain a system for property accountability.

(2) Protect the property against hazards.

(3) Perform the care and handling of personal property. "Care and handling" includes completing, repairing, converting, rehabilitating, operating, preserving, protecting, insuring, packing, storing, handling, conserving, and transporting excess and surplus personal property, and destroying or rendering innocuous property which is dangerous to public health, public safety, or national security.

(4) Maintain appropriate inventory levels.

(5) Continuously monitor the personal property under your control to assure maximum use and develop and maintain a system to prevent and detect nonuse, improper use, unauthorized disposal, or destruction of personal property.

(e) When you no longer need personal property to carry out the mission of your program, you must:

(1) Offer the property for reassignment to other activities within your agency.

(2) Promptly report excess personal property to the General Services Administration (GSA) when it is no longer needed by any activity within your agency for further reuse by eligible recipients.

(3) Continue the care and handling of excess personal property while it goes through the disposal process.

(4) Facilitate the timely transfer of excess personal property to other Federal agencies or authorized eligible recipients.

(5) Provide reasonable access to authorized personnel for inspection and removal of excess personal property.

(6) Ensure that final disposition complies with applicable environmental, health, safety, and national security regulations.

§ 102–36.15 Contractors.

You may use service contracts to perform disposal functions that are not inherently governmental, such as warehousing or custodial duties. You are responsible for ensuring that the contractor conforms with the requirements of title 40 U.S.C. and the regulations in this chapter, and any other applicable statutes and regulations when performing these functions.

§ 102–36.20 GSA responsibilities.

(a) Screen and offer available excess personal property to Federal agencies and eligible non-Federal recipients.

(b) Approve and process transfers of excess personal property to eligible activities.

(c) Determine the amount of reimbursement for transfers of excess personal property when appropriate.

(d) Conduct sales of surplus and exchange/sale personal property when requested by an agency.

(e) Maintain an automated system to facilitate the reporting and transferring of excess personal property.

Subpart B—Acquiring Excess Personal Property for Our Agency

§ 102–36.25 Eligibility.

The following are eligible to acquire excess personal property:

(a) Federal agencies (including for authorized use by their contractors, cooperatives, and project grantees).

(b) The Senate.

(c) The House of Representatives.

(d) The Architect of the Capitol and any activities under the Architect's direction.

(e) The DC Government.

(f) Mixed-ownership Government corporations as defined in 31 U.S.C. 9101.

§ 102–36.30 Maximize use of excess personal property.

Using excess personal property to the maximum extent practicable maximizes the return on Government dollars spent and minimizes expenditures for new procurement. Before purchasing new property, check with GSA for available excess personal property that may be suitable for your needs. You must use excess personal property unless it would cause serious hardship, be impractical, or impair your operations.

§ 102–36.35 Considerations.

Consider the following when acquiring excess personal property:

(a) There must be an authorized requirement.

(b) The cost of acquiring and maintaining the excess personal property (including packing, shipping, pickup, and necessary repairs) does not exceed the cost of purchasing and maintaining new material.

(c) The sources of spare parts or repair/maintenance services to support the acquired item are readily accessible.

(d) The supply of excess parts acquired must not exceed the life expectancy of the equipment supported.

(e) The excess personal property will fulfill the required need with reasonable

certainty without sacrificing mission or schedule.

(f) You must not acquire excess personal property with the intent to sell or trade for other assets.

§ 102–36.40 Excess personal property transfer costs.

(a) You do not pay for the property, except for the situations listed in paragraph (b) of this section. However, you are responsible for shipping and transportation costs.

(b) You may be required to reimburse the holding agency for excess personal property transferred to you (*i.e.*, transfer with reimbursement) when:

(1) Reimbursement is directed by GSA.

(2) The property was originally acquired with funds not appropriated from the general fund of the U.S. Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue and the holding agency requests reimbursement. It is executive branch policy that working capital fund property shall be transferred without reimbursement.

(3) The property was acquired with appropriated funds, but reimbursement is required or authorized by law.

(4) You or the holding agency is the U.S. Postal Service (USPS).

(5) You are acquiring excess personal property for use by a project grantee that is a public agency or a nonprofit organization and exempt from taxation under 26 U.S.C. 501.

(6) You or the holding agency is the DC Government.

(7) You or the holding agency is a wholly owned or mixed-ownership Government corporation as defined in the Government Corporation Control Act (31 U.S.C. 9101–9110).

§ 102–36.45 Transfer with reimbursement.

(a) You may be required to reimburse the holding agency for the fair market value when the transfer involves any of the conditions in § 102–36.40(b)(1) through (4).

(b) When acquiring excess personal property for your project grantees (§ 102–36.40(b)(5)), you are required to deposit into the miscellaneous receipts fund of the U.S. Treasury an amount equal to 25% of the original acquisition cost of the property, except for transfers under the conditions cited in § 102–36.105.

(c) When you or the holding agency is the DC Government or a wholly owned or mixed-ownership Government corporation (§ 102–36.40(b)(6) or (7)), you are required to reimburse the holding agency using fair value reimbursement. Fair value

reimbursement is 20% of the original acquisition cost for new or unused property, and 0 for other personal property. Where circumstances warrant, a higher fair value may be used if the agencies concerned agree. Due to special circumstances or the unusual nature of the property, the holding agency may use other criteria for establishing fair value if approved or directed by GSA. You must refer any disagreements to GSA.

§ 102–36.50 Excess personal property screening period.

The screening period starts when GSA receives the report of excess personal property. GSA determines the duration of the screening period. GSA may adjust the screening period in coordination with the holding agency.

§ 102–36.55 Agency responsibilities in transfer order processing.

Whether the excess is for your use or for use by a non-Federal recipient that you sponsor, you must:

- (a) Ensure that only authorized Federal officials of your agency sign the Standard Form (SF) 122 prior to submission to GSA for approval.
- (b) Ensure that excess personal property approved for transfer is used for authorized official purpose(s).
- (c) Advise GSA of names of agency officials that are authorized to approve SF 122s and notify GSA of any changes in signatory authority.

§ 102–36.60 Excess personal property removal.

Normally, you have 10 days from the date the transfer order is completely approved to pick up the excess personal property for transfer. You are responsible for scheduling and coordinating the property removal with the holding agency and requesting additional time, if needed.

§ 102–36.65 Direct transfers.

You may obtain excess personal property directly from another Federal agency without GSA approval if it has not yet been reported to GSA. If the total acquisition cost does not exceed \$10,000 per line item, you must complete an SF 122 and ensure it is signed by an authorized official of your agency. If the total acquisition cost exceeds \$10,000 per line item, you must first receive approval from GSA, annotate the SF 122 with the name of the GSA approving official, and the date of the verbal approval. You must provide a copy of the completed SF 122 to GSA under both scenarios within 10 workdays from the date of transaction. Additionally, you are subject to the requirement to pay reimbursement for

the excess personal property under a direct transfer when any of the conditions in § 102–36.40(b) apply.

Subpart C—Acquiring Excess Personal Property for Non-Federal Recipients

§ 102–36.70 Acquiring excess personal property for non-Federal activities.

You may acquire and furnish excess personal property for use by your nonappropriated fund activities, contractors, cooperatives, and project grantees, and other eligible recipients when you have specific statutory authority to do so.

§ 102–36.75 Responsibilities when acquiring excess personal property for use by a non-Federal recipient.

Your authorized agency official must:

- (a) Ensure the use of excess personal property by the non-Federal recipient is authorized and complies with applicable Federal regulations and agency guidelines.
- (b) Determine that the use of excess personal property will reduce the costs to the Government and/or that it is in the Government's best interest to furnish excess personal property.
- (c) Review and approve transfer documents for excess personal property as the sponsoring Federal agency.
- (d) Ensure the non-Federal recipient is aware of the non-Federal recipient's obligations under this chapter and your agency regulations regarding the management of excess personal property.
- (e) Ensure the non-Federal recipient does not stockpile the property and places it into use within a reasonable period, and has a system to prevent nonuse, improper use, or unauthorized disposal or destruction of excess personal property furnished.
- (f) Establish provisions and procedures for property accountability and disposition in situations when the Government retains title.
- (g) Report annually to GSA excess personal property furnished to non-Federal recipients during the year (40 U.S.C. 529).

§ 102–36.80 Nonappropriated fund activity and title retention.

Title to excess personal property furnished to a nonappropriated fund activity remains with the Federal Government. You are accountable for establishing controls over the use of such excess property in accordance with § 102–36.10(d). When such property is no longer required by the nonappropriated fund activity, you must reuse or dispose of the property in accordance with this part.

§ 102–36.85 Transfers of personal property owned by a nonappropriated fund activity.

Property purchased by a nonappropriated fund activity is not Federal property. A nonappropriated fund activity has the option of making its privately owned personal property available for transfer to a Federal agency, usually with reimbursement. If such reimbursable personal property is not transferred to another Federal agency, it may be offered for sale. Such property is not available for donation.

§ 102–36.90 Contractor restrictions.

You may acquire and furnish excess personal property for use by your contractors subject to the criteria and restrictions in the Federal Acquisition Regulation (48 CFR part 45). When such property is no longer needed by your contractors or your agency, you must dispose of the excess personal property in accordance with the provisions of this part.

§ 102–36.95 Cooperative limitations.

You must limit the total original acquisition cost of property transfers to the dollar value of the cooperative agreement. For any transfers more than such amount, you must ensure that an official of your agency at a level higher than the officer administering the agreement approves the transfer. The Federal Government retains title to such property, except when provided by specific statutory authority.

§ 102–36.100 Grantee requirements.

You may furnish excess personal property for use by your grantees if:

- (a) The grantee holds a federally sponsored project grant;
- (b) The grantee is a public agency or a nonprofit tax-exempt organization under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501);
- (c) The property is for use in connection with the grant; and
- (d) You pay 25% of the original acquisition cost and deposit the funds into the miscellaneous receipts fund of the U.S. Treasury. Title vests in the grantee after funds are deposited. Exceptions are listed in § 102–36.105.

§ 102–36.105 Fee when furnishing excess personal property to project grantees.

You may acquire excess personal property for use by a project grantee without paying the 25% fee when any of the following conditions apply:

- (a) The personal property was originally acquired from excess sources by your agency and has been placed into official use by your agency for at least one year. The Federal Government retains title to such property.

(b) The property is furnished under section 203 of the Department of Agriculture Organic Act of 1944 (16 U.S.C. 580a) through the U.S. Forest Service in connection with cooperative State forest fire control programs. The Federal Government retains title to such property.

(c) The property is furnished by the U.S. Department of Agriculture to State or county extension services or agricultural research cooperatives under 40 U.S.C. 483(d)(2)(E). The Federal Government retains title to such property.

(d) The property is not needed for donation under part 102–37 of this subchapter and is transferred under section 608 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2358). Title to such property transfers to the grantee.

(e) The property is scientific equipment transferred under section 11(e) of the National Science Foundation (NSF) Act of 1950, as amended (42 U.S.C. 1870(e)). GSA will limit such transfers to property within Federal Supply Classification (FSC) groups 12, 14, 43, 48, 58, 59, 65, 66, 67, 68 and 70. GSA may approve transfers without reimbursement for property under other FSC groups when NSF certifies the item is a component of or related to a piece of scientific equipment or is a difficult-to-acquire item needed for scientific research. Regardless of FSC, GSA will not approve transfers of common-use or general-purpose items without reimbursement. Title to such property transfers to the grantee.

(f) The property is furnished in connection with grants to Indian Tribes, as defined in section 3(c) of the Indian Financing Act (24 U.S.C. 1452(c)). Title passage is determined under the authorities of the administering agency.

§ 102–36.110 Type of excess personal property furnished to project grantees.

You may furnish to your project grantees any property, except for consumable items, determined to be necessary and usable for the purpose of the grant. Consumable items are generally not transferable to project grantees. GSA may approve transfers of excess consumable items when adequate justification for the transfer accompanies such requests. For this section, “consumable items” are items which are intended for one-time use and are actually consumed in that one time.

§ 102–36.115 Excess personal property for cannibalization purposes by grantees.

Subject to GSA approval, you may acquire excess personal property for

cannibalization purposes. You may be required to provide a supporting statement that indicates disassembly of the item for secondary use has greater benefit than utilization of the item in its existing form and will result in cost savings to the Government.

§ 102–36.120 Limit on excess personal property furnished to grantees.

You must monitor transfers of excess personal property so the total original acquisition cost of property transferred does not exceed the dollar value of the grant. Any transfers above the grant amount must be approved by an official at an administrative level higher than the officer administering the grant.

Subpart D—Disposition of Excess Personal Property

§ 102–36.125 Reporting requirements and exceptions.

(a) Report all excess personal property to GSA on SF 120, regardless of the condition code, except as authorized in § 102–36.65 for direct transfers or as exempted in paragraph (b) of this section. Report all excess personal property, including excess personal property to which the Government holds title but is in the custody of your contractors, cooperatives, or project grantees.

(b) You are not required to report the following types of excess personal property to GSA for screening:

- (1) Property determined appropriate for abandonment/destruction.
- (2) Nonappropriated fund property.
- (3) Foreign excess personal property.
- (4) Scrap, except aircraft in scrap condition.
- (5) Perishables, defined for the purposes of this section as any personal property subject to spoilage or decay.
- (6) Trading stamps and bonus goods.
- (7) Hazardous waste.
- (8) Controlled substances.
- (9) Nuclear Regulatory Commission-controlled materials.
- (10) Property dangerous to public health and safety.
- (11) Classified items or property determined to be sensitive for reasons of national security.

§ 102–36.130 Accountability.

You are accountable for the excess personal property until the time it is picked up by the designated recipient or its agent. You are responsible for all care and handling charges while the excess personal property is going through the screening and disposal process.

§ 102–36.135 Physical custody.

Generally, you retain physical custody of the excess personal property prior to its final disposition.

§ 102–36.140 Competing requests.

(a) GSA will generally approve transfers on a first-come, first-served basis. When more than one Federal agency requests the same item and the quantity available is not sufficient to meet the demand of all interested agencies, GSA will consider factors such as national defense requirements, emergency needs, avoiding the necessity of a new procurement, energy conservation, transportation costs, and retention of title in the Government. GSA will normally give preference to the agency that will retain title in the Government.

(b) Requests for property for the purpose of cannibalization will normally be subordinate to requests for use of the property in its existing form.

§ 102–36.145 Disposal of excess personal property without GSA approval.

You cannot dispose of excess personal property without GSA approval except under the following limited situations:

- (a) Direct transfer procedures.
- (b) Excess personal property not required to be reported to GSA.
- (c) When such disposal is otherwise authorized by law.

§ 102–36.150 Disposal process withdrawal.

You may withdraw excess personal property from the disposal process to satisfy an internal agency requirement. Property that has been requested or approved for transfer, donation, or offered for sale by GSA may be returned to your control with proper justification and GSA approval. GSA will only grant such requests prior to the sales award, since an award is binding.

§ 102–36.155 Reimbursement conditions.

(a) You may require and retain reimbursement for the excess personal property from the recipient when:

- (1) Your agency has the statutory authority to require and retain reimbursement for the property;
 - (2) You had originally acquired the property with funds not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue. It is current executive branch policy that working capital fund property shall be transferred without reimbursement;
 - (3) You or the recipient is the U.S. Postal Service;
 - (4) You or the recipient is the DC Government; or
 - (5) You or the recipient is a wholly owned or mixed-ownership Government corporation.
- (b) You may charge for direct costs you incurred incident to the transfer,

such as packing, loading and shipping of the property. The recipient is responsible for such charges unless you waive the amount involved.

(c) You may not charge for overhead or administrative expenses or the costs for care and handling of the property pending disposition.

§ 102–36.160 Reimbursement amount.

(a) You may require reimbursement in an amount up to the fair market value of the property when the transfer involves property meeting conditions in § 102–36.155(a)(1) and (2).

(b) When you or the recipient is the DC Government or a wholly owned or mixed-ownership Government corporation, you may only require fair value reimbursement. Fair value reimbursement is 20% of the original acquisition cost for new or unused property, and 0 for other personal property. A higher fair value may be used if you and the recipient agency agree. Due to special circumstances or the nature of the property, you may use other criteria for establishing fair value if approved or directed by GSA. You must refer any disagreements to GSA.

§ 102–36.165 Abandonment/destruction.

You may abandon or destroy excess personal property when an authorized

official of your agency has made a written determination that the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. It must be approved by a reviewing official who is not directly accountable for the property. An item has no commercial value when it has neither utility nor monetary value as an item or scrap.

§ 102–36.170 Abandonment/destruction authority restrictions.

You must not abandon or destroy property in a manner which is detrimental or dangerous to public health, public safety, or national security. If you become aware of an interest from an entity in purchasing the property, you must implement sales procedures in lieu of abandonment/destruction. In lieu of abandonment/destruction, you may donate such excess personal property only to a public body without going through GSA. If you become aware of an interest from an eligible non-profit organization that is not a public body in acquiring the property, you must contact GSA and implement donation procedures in accordance with part 102–37 of this subchapter.

Subpart E—Personal Property Whose Disposal Requires Special Handling

§ 102–36.175 Excess aircraft disposal.

(a) You must report to GSA all excess aircraft, regardless of condition or dollar value, and provide the following information on the SF 120:

- (1) Manufacturer, date of manufacture, model, serial number.
- (2) Major components missing from the aircraft, such as engines, electronics.
- (3) Whether or not the:
 - (i) Aircraft is operational;
 - (ii) Data plate is available;
 - (iii) Historical and maintenance records are available;
 - (iv) Aircraft has been previously certificated by the Federal Aviation Administration (FAA) and/or has been maintained to FAA airworthiness standards; and
 - (v) Aircraft was previously used for non-flight purposes and has been subjected to extensive disassembly and reassembly procedures for ground training, or repeated burning for fire-fighting training purposes.
- (4) For military aircraft, indicate Category A, B, or C as designated by the Department of Defense (DoD), as follows:

Table 1 to Paragraph (a)(4)

Category of aircraft	Description
A	Aircraft authorized for sale and exchange for commercial use.
B	Aircraft previously used for ground instruction and/or static display.
C	Aircraft that are combat configured as determined by DoD.

(b) When the designated transfer or donation recipient's intended use is for non-flight purposes, you must remove and return the data plate to GSA prior to releasing the aircraft to the authorized recipient. GSA will forward the data plates to the FAA.

§ 102–36.180 Excess Flight Safety Critical Aircraft Parts (FSCAP) disposal.

You may dispose of excess FSCAP if you determine that adequate documentation is available to allow transfer, donation, or sale of the part in accordance with part 102–33 of this subchapter. Otherwise, you must

mutilate undocumented FSCAP that has no traceability to its original equipment manufacturer and dispose of it as scrap. When reporting excess FSCAP, annotate the manufacturer, date of manufacture, part number, serial number, and the appropriate Criticality Code on the SF 120. Ensure all available historical and maintenance records accompany the part at the time of issue.

§ 102–36.185 FSCAP identification.

Any aircraft part designated as FSCAP is assigned an alpha Criticality Code, and the code is annotated on the original transfer document when you

acquire the part. You must perpetuate the appropriate FSCAP Criticality Code on all personal property records. You may contact the Federal agency or military service that originally owned the part for assistance in making this determination, or query DoD's Federal Logistics Information System (FLIS) using the National Stock Number (NSN) for the part.

§ 102–36.190 FSCAP Criticality Codes.

Table 1 to § 102–36.190

FSCAP code	Description
E	FSCAP specially designed to be or selected as being nuclear hardened.
F	FSCAP.

§ 102–36.195 Disposing of life-limited aircraft parts without an FSCAP designation.

You must ensure that tags and labels, historical data, and maintenance records accompany the part on any transfers, donations, or sales. Refer to part 102–33 of this subchapter for additional information.

§ 102–36.200 Special requirements for disaster relief.

Upon declaration by the President of an emergency or a major disaster, you may loan excess personal property to State and local governments, with or without compensation and prior to reporting it as excess to GSA, to alleviate suffering and damage resulting from any emergency or major disaster (Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206) and Executive Order 12148 (3 CFR, 1979 Comp., p. 412), as amended). If the loan involves property that has already been reported excess to GSA, you may withdraw the item from the disposal process subject to approval by GSA. You may also withdraw excess personal property for use by your agency in providing assistance in disaster relief. You are still accountable for this property and your agency is responsible for developing agencywide procedures for recovery of such property.

§ 102–36.205 Excess firearms disposal.

Unless you have specific statutory authority to do otherwise, excess firearms may be transferred only to those Federal agencies authorized to acquire firearms for official use. Firearms not transferred must be destroyed and sold as scrap. For additional guidance on the disposition of firearms refer to part 102–40 of this subchapter.

§ 102–36.210 Agency responsibilities in foreign excess personal property disposal.

(a) Determine whether it is in the interest of the U.S. Government to return foreign excess personal property to the U.S. for further re-use or to dispose of the property overseas.

(b) Ensure that any disposal of property overseas conforms to the foreign policy of the U.S. and the terms and conditions of any applicable Host Nation Agreement.

(c) Ensure that, when foreign excess personal property is donated or sold overseas, donation/sales conditions include a requirement for compliance with U.S. Department of Commerce and Department of Agriculture regulations, contained in titles 15 and 7 of the CFR, respectively, when transporting any personal property back to the U.S.

(d) Inform the U.S. State Department of any disposal of property to any foreign governments or entities (as defined in § 102–42.10 of this subchapter).

§ 102–36.215 Foreign excess personal property disposal options.

(a) Offer the property for re-use by U.S. Federal agencies overseas;

(b) Return the property to the U.S. for re-use by eligible recipients;

(c) Sell, exchange, lease, or transfer such property for cash, credit, or other property;

(d) Donate medical materials or supplies to nonprofit medical or health organizations, including those qualified under sections 214(b) and 607 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2174, 2357); or

(e) Abandon, destroy, or donate such property when you determine that it has no commercial value or the estimated cost of care and handling would exceed the estimated proceeds from its sale, in accordance with 40 U.S.C. 527. Abandonment, destruction, or donation actions must also comply with the laws of the country in which the property is located.

§ 102–36.220 GSA assistance in foreign excess personal property disposal.

You may request GSA's assistance in the screening of foreign excess personal property for possible re-use by eligible recipients within the U.S. GSA may, after consultation with you, designate property for return to the U.S. for transfer or donation purposes.

§ 102–36.225 Foreign excess personal property transportation costs.

When foreign excess property is to be returned to the U.S. for the purpose of an approved transfer or donation under the provisions of 40 U.S.C. 521–529, 549, and 551, the Federal agency, State agency, or donee receiving the property is responsible for all direct costs involved in the transfer, which include packing, handling, crating, and transportation.

§ 102–36.230 Gift disposal.

If your agency has gift retention authority, you may retain gifts from the public. Otherwise, you must report gifts you receive on an SF 120 to GSA.

§ 102–36.235 Money or intangible personal property disposal.

Report intangible personal property to GSA. You must not transfer or dispose of this property without prior approval of GSA. Per 31 U.S.C. 324, the Secretary of the Treasury will dispose of money and negotiable instruments such as bonds, notes, or other securities.

§ 102–36.240 Gift disposal other than intangible personal property.

(a) Report the gift to GSA when it is offered with the condition that the property be sold and the proceeds used to reduce the public debt.

(b) You may use the gift for an authorized official purpose without reporting it to GSA when it is offered with no conditions or restrictions and your agency has gift retention authority. The property will then lose its identity as a gift and you must account for it in the same manner as Federal personal property acquired from authorized sources. You must report the property to GSA as excess when it is no longer needed.

(c) You must report the gift to GSA when the gift is offered with no conditions or restrictions and your agency does not have gift retention authority. GSA will offer the property for screening for possible transfer to a Federal agency or convert the gift to money and deposit the funds with the U.S. Treasury as miscellaneous receipts.

If your agency is interested in keeping the gift for an official purpose, you must annotate your interest on the SF 120 and submit an SF 122.

§ 102–36.245 Excess Munitions List Items (MLIs)/Commerce Control List Items (CCLIs).

You may dispose of excess MLIs/CCLIs only when you comply with the additional disposal and demilitarization (DEMIL) requirements contained in part 102–40 of this subchapter. MLIs may require demilitarization when issued to any non-DoD entity and will require appropriate licensing when exported from the U.S. CCLIs may require export licensing when transported from the U.S.

§ 102–36.250 Identifying DEMIL requirements.

You identify MLIs/CCLIs requiring DEMIL by the DEMIL code that is assigned to each MLI or CCLI. The code indicates the type and scope of DEMIL and/or export controls that must be accomplished, when required, before issue to any non-DoD activity. Refer to DoD Demilitarization and Trade Security Control Manual, DoD 4160.21–M–1 for additional guidance.

§ 102–36.255 Excess shelf-life items.

(a) When there are quantities on hand that would not be utilized by the expiration date and cannot be returned to the vendor for credit, you must report such expected overage as excess for possible transfer and disposal to ensure maximum use prior to deterioration.

(b) You need not report expired shelf-life items. You may dispose of property with expired shelf-life by abandonment/destruction in compliance with Federal, State, and local waste disposal and air and water pollution control standards.

§ 102–36.260 Excess medical shelf-life items held for national emergency purposes.

When the remaining shelf-life of any medical materials or supplies held for national emergency purposes is of too short a period to justify their continued retention, you should report such property excess for possible transfer and disposal. You must make such excess determinations at such time as to ensure that sufficient time remains to permit their use before their shelf-life expires and the items are unfit for human use.

§ 102–36.265 Transferring or exchanging excess medical shelf-life items with other Federal agencies.

You may transfer or exchange excess medical shelf-life items held for national emergency purposes with any other Federal agency for other medical

materials or supplies, without GSA approval and without regard to part 102–39 of this subchapter. You and the transferee agency will agree to the terms and prices. You may credit any proceeds derived from such transactions to your agency's current applicable appropriation and use the funds only for the purchase of medical materials or supplies for national emergency purposes.

§ 102–36.270 Excess vessels.

(a) When you dispose of excess vessels, you must indicate on the SF 120 the following information:

(1) Whether the vessel has been inspected by the U.S. Coast Guard.
(2) Whether testing for hazardous materials has been done. And if so, the result of the testing, specifically the presence or absence of polychlorinated biphenyls (PCBs) and asbestos and level of contamination.

(3) Whether hazardous materials clean-up is required, and when it will be accomplished by your agency.

(b) In accordance with 40 U.S.C. 548, the Federal Maritime Administration (FMA), Department of Transportation, is responsible for disposing of surplus vessels determined to be merchant vessels or capable of conversion to merchant use and weighing 1,500 gross tons or more. The SF 120 for such vessels shall be forwarded to GSA for submission to FMA.

(c) Disposal instructions regarding vessels in this part do not apply to battleships, cruisers, aircraft carriers, destroyers, or submarines.

§ 102–36.275 Excess hazardous personal property.

When reporting excess hazardous personal property to GSA, certify that the property has been packaged and labeled as required. Annotate any special requirements for handling, storage, or use, and provide a description of the actual or potential hazard. Refer to part 102–40 of this subchapter for additional guidance on the disposition of excess hazardous personal property.

■ 7. Revise part 102–37 to read as follows:

PART 102–37—DONATION OF SURPLUS PERSONAL PROPERTY

Subpart A—General Provisions

Sec.

- 102–37.5 Scope.
- 102–37.10 Surplus property available for donation.
- 102–37.15 Donation screening timeframe.
- 102–37.20 Requesting surplus property for donation.
- 102–37.25 Transportation and other costs.

102–37.30 Property removal timeframe.

Subpart B—GSA

- 102–37.35 GSA's responsibilities.
- 102–37.40 Competing transfer requests.
- 102–37.45 Allocation factors.

Subpart C—Holding Agency

- 102–37.50 Holding agency responsibilities.
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Subpart D—SASP

- 102–37.60 SASP responsibilities.
- 102–37.65 SASP eligibility.
- 102–37.70 State plan of operation.
- 102–37.75 State plan requirements.
- 102–37.80 State plan effective date.
- 102–37.85 State plan amendments or modifications.
- 102–37.90 State plan nonconformance.
- 102–37.95 Property available for donation.
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- 102–37.105 Surplus property requests.
- 102–37.110 SASP certifications.
- 102–37.115 SASP agreements.
- 102–37.120 Additional certifications.
- 102–37.125 Written justification for special types of surplus property.
- 102–37.130 Surplus aircraft and vessel documentation.
- 102–37.135 Letter of intent requirements.
- 102–37.140 Surplus property for cannibalization.
- 102–37.145 Surplus property safeguards.
- 102–37.150 Surplus property damage or loss.
- 102–37.155 Surplus property insurance.
- 102–37.160 Distribution documentation.
- 102–37.165 Surplus property distribution to eligible donees of another State.
- 102–37.170 Retention of surplus property for SASP use.
- 102–37.175 Service charge payments.
- 102–37.180 Use of service charge funds.
- 102–37.185 Non-SASP State activities and programs.
- 102–37.190 Undistributed surplus property.
- 102–37.195 Transfers between SASPs.
- 102–37.200 Reporting unneeded, usable property for disposal.
- 102–37.205 GSA's agent in undistributed surplus property sales.
- 102–37.210 Undistributed surplus property proposal to sell.
- 102–37.215 Recovering costs of undistributed surplus property.
- 102–37.220 Abandonment or destruction of undistributed surplus property.
- 102–37.225 Cooperative agreement purposes.
- 102–37.230 Costs related to providing support under a cooperative agreement.
- 102–37.235 Cooperative agreements between SASPs.
- 102–37.240 Cooperative agreement termination.
- 102–37.245 SASP audits.
- 102–37.250 Federal reviews of SASPs.
- 102–37.255 SASP responsibility in donee audit compliance.
- 102–37.260 SASP reports to GSA.
- 102–37.265 SASP liquidation plan.
- 102–37.270 Public notice of liquidation plans.

Subpart E—Donations to Public Agencies, SEAs, and Eligible Nonprofit Organizations

- 102–37.275 Statutory authority for donations of surplus property under this subpart.
- 102–37.280 Eligibility determinations.
- 102–37.285 Eligibility criteria.
- 102–37.290 Approval, accreditation, or licensing requirements determination.
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- 102–37.310 Negative eligibility determination appeals.
- 102–37.315 Conditional eligibility of donees without approval, accreditation, or licensing.
- 102–37.320 Conditional eligibility of not-for-profit organizations pending tax-exempt status.
- 102–37.325 Property available for donation to donees with conditional eligibility.
- 102–37.330 Authorized purposes for surplus property.
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- 102–37.360 Modification or release of terms and conditions.
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- 102–37.375 Utilization reviews.
- 102–37.380 Noncompliance actions with donation terms and conditions.
- 102–37.385 SASP coordination with GSA.
- 102–37.390 Compliance actions funds.
- 102–37.395 Unneeded property reimbursement.
- 102–37.400 Donation requirements to SEAs.
- 102–37.405 SEA priority for DoD property.

Subpart F—Donations to Public Airports

- 102–37.410 Public airport donation authority.
- 102–37.415 Priority consideration.
- 102–37.420 FAA's responsibilities.
- 102–37.425 Administrative information required to GSA.

Subpart G—Donations to Public Bodies in Lieu of Abandonment/Destruction

- 102–37.430 Authority for donations to public bodies.
- 102–37.435 Type of property a holding agency may donate under this subpart.
- 102–37.440 Costs associated with the donation.

Subpart H—Transfer of Vehicle Title to a Donee

- 102–37.445 Responsibilities.
- 102–37.450 Vehicle title transfer.

Authority: 40 U.S.C. 549 and 121(c).

Subpart A—General Provisions**§ 102–37.5 Scope.**

This part covers the donation of surplus Federal personal property

located within a State, including foreign excess personal property returned to a State for handling as surplus property. You must comply with this part if you are a holding agency or a recipient of Federal surplus personal property approved by the General Services Administration (GSA) for donation. “You” means the holding agency in subpart C of this part. “You” means a State Agency for Surplus Property (SASP) in subparts D and E of this part, unless otherwise specified.

§ 102–37.10 Surplus property available for donation.

All surplus property (including property held by working capital funds established under 10 U.S.C. 2208 or in similar funds) is available for donation to eligible recipients, except for property in the following categories:

(a) Agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling with respect to price support or stabilization.

(b) Property acquired with trust funds (e.g., Social Security Trust Funds).

(c) Nonappropriated fund property.

(d) Naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines.

(e) Vessels of 1500 gross tons or more which the Maritime Administration determines to be merchant vessels or capable of conversion to merchant use.

(f) Records of the Federal Government.

(g) Property that requires reimbursement upon transfer (such as abandoned or other unclaimed property that is found on premises owned or leased by the Government).

(h) Controlled substances.

§ 102–37.15 Donation screening timeframe.

Authorized entities may screen property concurrently with Federal agencies. See § 102–36.60 of this subchapter.

§ 102–37.20 Requesting surplus property for donation.

(a) Donees should submit their requests for property directly to the appropriate SASP.

(b) SASPs and public airports should submit their requests to GSA. Requests must be submitted on Standard Form (SF) 123. The Federal Aviation Administration (FAA) must approve public airport transfer requests. GSA may ask SASPs or public airports to submit any additional information required to support and justify transfer of the property.

(c) The American National Red Cross should submit requests to GSA when obtaining property under the authority of 40 U.S.C. 551.

(d) Public bodies, when seeking to acquire property that is being abandoned or destroyed, should follow rules and procedures established by the donor agency.

§ 102–37.25 Transportation and other costs.

The transferee is responsible for any packing, shipping, or transportation charges associated with the transfer of surplus property for donation. Those costs may be passed on to donees that receive the property.

§ 102–37.30 Property removal timeframe.

The transferee or transferee's agent must remove property from the holding agency premises within 15 calendar days after being notified that the property is available for pickup, unless otherwise coordinated with the holding agency. The transferee must notify GSA if it no longer needs the property.

Subpart B—GSA**§ 102–37.35 GSA's responsibilities.**

(a) Determines when property is surplus to the needs of the Government;

(b) Allocates and transfers surplus property on a fair and equitable basis to SASPs for further distribution to eligible donees;

(c) Oversees the care and handling of surplus property while it is in the custody of a SASP;

(d) Approves all transfers of surplus property to public airports, pursuant to the appropriate determinations made by the FAA (see subpart F of this part);

(e) Donates to the American National Red Cross property (generally blood plasma and related medical materials) originally provided by the Red Cross to a Federal agency, but that has subsequently been determined surplus to Federal needs;

(f) Approves, after consultation with the holding agency, foreign excess personal property to be returned to the United States (U.S.) for donation purposes;

(g) Imposes appropriate conditions on the donation of surplus property having characteristics that require special handling or use limitations (see § 102–37.350); and

(h) Keeps track of and reports on Federal donation programs.

§ 102–37.40 Competing transfer requests.

In case of requests from two or more SASPs, GSA will use the allocation factors in § 102–37.45. When competing requests are received from public

airports and SASPs, GSA will transfer property fairly and equitably, based on such factors as need, proposed use, and interest of the holding agency in having the property donated to a specific public airport.

§ 102–37.45 Allocation factors.

(a) Extraordinary needs caused by disasters or emergency situations.

(b) Requests from the Department of Defense (DoD) for DoD-generated property to be allocated through a SASP for donation to a specific service educational activity (SEA).

(c) Need and usability of property. GSA will also give special consideration to requests transmitted through the SASPs by donees for specific items. Requests for property to be used “as is” will be given preference over cannibalization requests.

(d) Whether a SASP has already received similar property in the past, and how much.

(e) Past performance of a SASP in effecting timely pickup or removal of property approved for transfer and making prompt distribution of property to eligible donees.

(f) The property’s condition and its original acquisition cost.

(g) Relative neediness of each State based on the State’s population and per capita income.

Subpart C—Holding Agency

§ 102–37.50 Holding agency responsibilities.

(a) Advise GSA if you have a donee in mind for foreign gift items or airport property;

(b) Cooperate with all entities authorized to participate in the donation program and their authorized representatives in locating, screening, and inspecting property for possible donation;

(c) Set aside or hold surplus property from further disposal upon notification of a pending transfer for donation. If GSA does not notify you of a pending transfer within 5 calendar days following the surplus release date, you may proceed with the sale or other authorized disposal of the property;

(d) Upon receipt of a GSA-approved transfer document, promptly ship or release property to the transferee (or the transferee’s designated agent) in accordance with pickup or shipping instructions on the transfer document;

(e) Notify GSA if surplus property to be picked up is not removed within 15 calendar days after you notify the transferee (or its agent) of its availability. GSA will advise you of further disposal instructions; and

(f) Perform and bear the cost of care and handling of surplus property pending its disposal, except as provided in § 102–37.55.

§ 102–37.55 Holding agency costs reimbursement.

You may charge the transferee for the direct costs you incurred incident to a donation transfer, such as your packing, handling, crating, and transportation expenses. You may not include overhead or administrative costs.

Subpart D—SASP

§ 102–37.60 SASP responsibilities.

(a) Determine if an entity seeking to obtain surplus property is an eligible entity per § 102–37.275 or other approved entity.

(b) Distribute surplus property fairly, equitably, and promptly to eligible donees in your State based on their relative needs and resources, ability to use the property, and as provided in your State plan of operation.

(c) Enforce compliance with the terms and conditions imposed on donated property.

§ 102–37.65 SASP eligibility.

To receive transfers of surplus property, a SASP must:

(a) Have a GSA-approved State plan of operation; and

(b) Provide the certifications and agreements as set forth in §§ 102–37.110 and 102–37.115.

§ 102–37.70 State plan of operation.

A State plan of operation is a document that sets forth a plan for the management and administration of the SASP in the donation of property. The state legislature must develop the plan. The chief executive officer of the State must submit the plan to the GSA Administrator for acceptance and certify that the SASP is authorized to:

(a) Acquire and distribute property to eligible donees in the State;

(b) Enter into cooperative agreements; and

(c) Undertake other actions and provide other assurances required by 40 U.S.C. 549(e) and set forth in the plan.

§ 102–37.75 State plan requirements.

The State legislature must ensure the plan conforms to the provisions of 40 U.S.C. 549(e) and includes information and assurances as required by GSA. It may also include in the plan other provisions not inconsistent with the purposes of title 40, U.S. Code, and the requirements of this part.

§ 102–37.80 State plan effective date.

The plan takes effect on the date GSA notifies the chief executive officer of the State that the plan is approved.

§ 102–37.85 State plan amendments or modifications.

GSA must approve amendments or modifications to the plan. Proposed plans and major amendments to existing plans require general notice to the public for comment. A State must publish a general notice of the plan or amendment at least 60 calendar days in advance of filing the proposal with GSA and provide interested parties at least 30 calendar days to submit comments before filing the proposal.

§ 102–37.90 State plan nonconformance.

If a SASP does not operate in accordance with its plan, GSA may withhold allocation and transfer of surplus property until the nonconformance is corrected.

§ 102–37.95 Property available for donation.

(a) A SASP may conduct onsite screening at various Federal facilities, contact or submit want lists to GSA, or use GSA’s or other agencies’ inventory system to search for property that is potentially available for donation.

(b) To conduct onsite screening, the screener (SASP or SASP’s representative) must coordinate with the individual holding agency or organization. The screener should ascertain the identification required and any special procedures for access to the facility or location.

§ 102–37.100 Authorized screener records.

You must maintain a current record of all individuals authorized to screen for your SASP, including their names, addresses, telephone numbers, qualifications to screen, and any additional identifying information. You should place donee screener records in the donee’s eligibility file and review them each time a periodic review of the donee’s file is undertaken.

§ 102–37.105 Surplus property requests.

Generally, you should have a firm requirement or an anticipated demand for any property that you request.

§ 102–37.110 SASP certifications.

You must certify that:

(a) You are the agency of the State designated under State law that has legal authority under 40 U.S.C. 549 and the regulations of this subchapter, to receive property for distribution within the state to eligible donees as defined in this part.

(b) No person with supervisory or managerial duties in your State's donation program is debarred, suspended, ineligible, or voluntarily excluded from participating in the donation program.

(c) The property is usable and needed within the State by an eligible entity per § 102–37.275 or other approved entity.

(d) When property is picked up by, or shipped to, your SASP, you have adequate and available funds, facilities, and personnel to provide accountability, warehousing, proper maintenance, and distribution of the property.

(e) When property is distributed by your SASP to a donee, or when delivery is made directly from a holding agency to a donee pursuant to a state distribution document, you have determined that the donee acquiring the property is eligible within the meaning of the Property Act and the regulations of this subchapter, and that the property is usable and needed by the donee.

§ 102–37.115 SASP agreements.

You must agree that:

(a) You will make prompt statewide distribution of such property, on a fair and equitable basis, to donees eligible to acquire property under 40 U.S.C. 549 and the regulations of this subchapter. You will distribute property only after such eligible donees have properly executed the appropriate certifications and agreements established by the SASP and/or GSA.

(b) Title to the property remains in the U.S. Government although a donee has taken possession of it. Conditional title to the property will pass to the eligible donee when the donee executes the required certifications and agreements and takes possession of the property.

(c) You will:

(1) Promptly pay the cost of care, handling, and shipping incident to taking possession of the property.

(2) During the time that title remains in the U.S. Government, be responsible as a bailee for the property from the time it is released to you or to the transportation agent you have designated.

(3) In the event of any loss of or damage to any or all the property during transportation or storage at a place other than a place under your control, take the necessary action to obtain restitution (fair market value) for the Government. In the event of loss or damage due to negligence or willful misconduct on your part, repair, replace, or pay to the GSA the fair market value of any such property, or take such other action as the GSA may direct.

(d) You may retain property to perform your donation program

functions, but only when authorized by GSA in accordance with the provisions of a cooperative agreement entered into with GSA.

(e) When acting under an interstate cooperative distribution agreement (see § 102–37.235) as an agent and authorized representative of an adjacent State, you will:

(1) Make the certifications and agreements required in § 102–37.110 and this section on behalf of the adjacent SASP.

(2) Require the donee to execute the distribution documents of the State in which the donee is located.

(3) Forward copies of the distribution documents to the corresponding SASP.

(f) You will not discriminate on the basis of race, color, national origin, sex, age, or handicap in the distribution of property, and will comply with GSA regulations on nondiscrimination as set forth in part 101–4, part 101–6, subpart 101–6.2, and part 101–8, subpart 101–8.3, of this title.

(g) You will not seek to hold the U.S. Government liable for consequential or incidental damages or the personal injuries, disabilities, or death to any person arising from the transfer, donation, use, processing, or final disposition of this property. The Government's liability in any event is limited in scope to that provided for by the Federal Tort Claims Act (28 U.S.C. 2671, *et seq.*).

§ 102–37.120 Additional certifications.

(a) You must certify that you will provide a drug-free workplace only as a condition for retaining surplus property for SASP use. Drug-free workplace certification requirements are found at part 105–74 of this title.

(b) You are subject to the anti-lobbying certification and disclosure requirements in part 105–69 of this title when all the following conditions apply:

(1) You have entered into a cooperative agreement with GSA that provides for your SASP to retain surplus property for use in performing donation functions or any other cooperative agreement;

(2) The cooperative agreement was executed after December 23, 1989; and

(3) The fair market value of the property requested under the cooperative agreement is more than \$100,000.

§ 102–37.125 Written justification for special types of surplus property.

A SASP must obtain written justification from the intended donee, and submit it to GSA along with the transfer request, prior to allocation of:

(a) Aircraft and vessels covered by § 102–37.350;

(b) Items requested specifically for cannibalization;

(c) Foreign gifts and decorations (as defined in § 102–42.10 of this chapter); and

(d) Any item on which written justification will assist GSA in making allocation to states with the greatest need.

§ 102–37.130 Surplus aircraft and vessel documentation.

(a) For each SF 123 that you submit to GSA for transfer of a surplus aircraft or vessel covered by § 102–37.350, include:

(1) A letter of intent signed and dated by the authorized representative of the proposed donee setting forth a detailed plan of utilization for the property; and

(2) A letter, signed and dated by you, confirming and certifying the applicant's eligibility and containing an evaluation of the applicant's ability to use the aircraft or vessel for the purpose stated in its letter of intent and any other supplemental information concerning the needs of the donee which supports making the allocation.

(b) For each SF 123 that GSA approves, you must include:

(1) Your distribution document, signed and dated by the authorized donee representative; and

(2) A conditional transfer document (CTD), signed by you and the intended donee, and containing the special terms and conditions prescribed by GSA.

§ 102–37.135 Letter of intent requirements.

A letter of intent must include:

(a) A description of the aircraft or vessel requested. If the item is an aircraft, the description must include the manufacturer, date of manufacture, model, and serial number. If the item is a vessel, it must include the type, name, class, size, displacement, length, beam, draft, lift capacity, and the hull or registry number, if known;

(b) A detailed description of the donee's program and the number and types of aircraft or vessels in its inventory;

(c) A detailed description of how the aircraft or vessel will be used, its purpose, how often it will be used, and for how long. If an aircraft is requested for flight purposes, the donee must specify a source of pilot(s) and where the aircraft will be housed. If an aircraft is requested for cannibalization, the donee must provide details of the cannibalization process. If a vessel is requested for waterway purposes, the donee must specify a source of pilot(s) and where the vessel will be docked. If

a vessel is requested for permanent docking on water or land, the donee must provide details of the process, including the time to complete the process; and

(d) Any supplemental information supporting the donee's need for the aircraft or vessel.

§ 102–37.140 Surplus property for cannibalization.

The SASP must notify GSA if a donee is requesting property for cannibalization and provide a detailed justification concerning the need for the components or accessories and an explanation of the effect removal will have on the item. GSA will approve requests for cannibalization only when it is clear from the justification that disassembly of the item for use of its component parts will provide greater potential benefit than use of the item in its existing form.

§ 102–37.145 Surplus property safeguards.

To safeguard surplus property in your custody, you must provide adequate protection of property in your custody, including protection against the hazards of fire, theft, vandalism, and weather.

§ 102–37.150 Surplus property damage or loss.

If you learn that surplus property in your custody has been damaged or lost, you must always notify GSA and notify the appropriate law enforcement officials if it appears a crime has been committed.

§ 102–37.155 Surplus property insurance.

You are not required to carry insurance on Federal surplus property in your custody. However, if you elect to carry insurance and the insured property is lost or damaged, you must submit a check made payable to GSA for any insurance proceeds received in excess of your actual costs of acquiring and rehabilitating the property prior to its loss, damage, or destruction.

§ 102–37.160 Distribution documentation.

All SASPs must document the distribution of Federal surplus property on forms that are prenumbered, provide for donees to indicate the primary purposes for which they are acquiring property, and include the:

- (a) Certifications and agreements in §§ 102–37.340 and 102–37.345; and
- (b) Period of restriction during which the donee must use the property for the purpose for which it was acquired.

§ 102–37.165 Surplus property distribution to eligible donees of another State.

You may distribute surplus property to eligible donees of another State, if

you and the other SASP determine that such an arrangement will be of mutual benefit to you and the donees concerned. An interstate distribution cooperative agreement must be prepared as prescribed in § 102–37.235 and submitted to GSA for approval. When acting under an interstate distribution cooperative agreement, you must:

- (a) Require the donee recipient to execute the distribution documents of its home SASP; and
- (b) Forward copies of executed distribution documents to the donee's home SASP.

§ 102–37.170 Retention of surplus property for SASP use.

You can retain surplus property for use in operating the donation program if you have a cooperative agreement with GSA that allows you to do so. You must obtain prior written GSA approval before using any surplus property in the operation of the SASP. Make your needs known by submitting a list of needed property to GSA for approval. GSA will review the list to ensure that it is of the type and quantity of property that is reasonably needed and useful in performing SASP operations. GSA will notify you within 30 calendar days whether you may retain the property for use in your operations. Title to any surplus property GSA approves for your retention will vest in your SASP. You must maintain separate records for such property.

§ 102–37.175 Service charge payments.

Service charge payments must readily identify the donee institution as the payer (or the name of the parent organization when that organization pays the operational expenses of the donee). Personal checks, personal cashier checks, personal money orders, and personal credit cards are not acceptable.

§ 102–37.180 Use of service charge funds.

Funds accumulated from service charges may be deposited, invested, or used in accordance with State law to:

- (a) Cover direct and reasonable indirect costs of operating the SASP;
- (b) Purchase necessary equipment for the SASP;
- (c) Maintain a reasonable working capital reserve;
- (d) Rehabilitate surplus property, including the purchase of replacement parts;
- (e) Acquire or improve office or distribution center facilities; or
- (f) Pay for the costs of internal and external audits.

§ 102–37.185 Non-SASP State activities and programs.

Except as provided in § 102–37.390, you must use funds collected from service charges, or from other sources such as proceeds from sale of undistributed property or funds collected from compliance cases, solely for the operation of the SASP and the benefit of participating donees.

§ 102–37.190 Undistributed surplus property.

(a) As soon as it becomes clear that you cannot donate the surplus property, you should first determine whether the property is usable.

(1) If you determine that the undistributed surplus property is not usable, you should seek GSA approval to abandon or destroy the property in accordance with § 102–37.220.

(2) If you determine that the undistributed surplus property is usable, you should promptly report it to GSA for redisposal through retransfer, sale, or other means.

(b) Normally, any property not donated within a 1-year period should be processed in this manner.

§ 102–37.195 Transfers between SASPs.

The requesting SASP must submit an SF 123 to GSA. GSA will respond to the request within 30 calendar days of receipt of the transfer order.

§ 102–37.200 Reporting unneeded, usable property for disposal.

When reporting unneeded, usable property that is not required for transfer to another SASP, provide GSA with the:

(a) Description of each line item of property, current condition code, quantity, unit and total acquisition cost, State serial number, demilitarization code, and any special handling conditions;

(b) Date you received each line item of property listed; and

(c) Certification of reimbursement requested under § 102–37.215.

§ 102–37.205 GSA's agent in undistributed surplus property sales.

You may act as GSA's agent in selling undistributed surplus property if an established cooperative agreement with GSA permits such an action. You must notify GSA each time you propose to conduct a sale under the cooperative agreement. You may request approval to conduct a sale when reporting the property to GSA for disposal instructions. If no formal agreement exists, you may submit such an agreement at that time for approval.

§ 102–37.210 Undistributed surplus property proposal to sell.

(a) Your request to sell undistributed surplus property must include:

- (1) The proposed sale date;
- (2) A listing of the property;
- (3) Location of the sale;
- (4) Method of sale; and
- (5) Proposed advertising to be used.

(b) If the request is approved, GSA will provide the necessary forms and instructions for you to use in conducting the sale.

§ 102–37.215 Recovering costs of undistributed surplus property.

(a) When undistributed surplus property is transferred to a Federal agency or another SASP, or disposed of by public sale, you are entitled to recoup:

(1) Direct costs you initially paid to the Federal holding agency, including but not limited to, packing, preparation for shipment, and loading. You will not be reimbursed for actions following receipt of the property.

(2) Transportation costs you incurred, but were not reimbursed by a donee, for initially moving the property from the Federal holding agency to your distribution facility or other point of receipt. You must document and certify the amount of reimbursement requested for these costs.

(b) Reimbursable arrangements should be made prior to the transfer of the property. In the case of a Federal transfer, GSA will secure agreement of the Federal agency to reimburse your authorized costs and annotate the amount of reimbursement on the transfer document. You must coordinate and make arrangements for reimbursement when property is transferred to another SASP. If you and the receiving SASP cannot agree on an appropriate reimbursement charge, GSA will determine appropriate reimbursement. The receiving SASP must annotate the reimbursement amount on the transfer document prior to its being forwarded to GSA for approval.

(c) When undistributed property is disposed of by public sale, GSA must approve the amount of sales proceeds you may receive to cover your costs. Generally, this will not exceed 50% of the total sales proceeds.

§ 102–37.220 Abandonment or destruction of undistributed surplus property.

(a) You may abandon or destroy undistributed surplus property when you have made a written finding that the property has no commercial value or the estimated cost of its continued care and handling would exceed the

estimated proceeds from its sale. The abandonment or destruction finding must be sent to GSA for approval. You must include:

- (1) The basis for the abandonment or destruction;
- (2) A detailed description of the property, its condition, and total acquisition cost;
- (3) The proposed method of destruction or the abandonment location;
- (4) A statement confirming that the proposed abandonment or destruction will not be detrimental or dangerous to public health, public safety, or national security, and will not infringe on the rights of other persons; and
- (5) The signature of the SASP director.

(b) GSA will notify you within 30 calendar days of receipt of the request whether you may abandon or destroy the property. GSA will provide alternate disposition instructions if it disapproves your request for abandonment or destruction.

§ 102–37.225 Cooperative agreement purposes.

Section 549(f) of title 40, U.S. Code, allows GSA, or Federal agencies designated by GSA, to enter into cooperative agreements with SASPs to carry out the surplus property donation program. Such agreements allow GSA, or the designated Federal agencies, to use the SASP's property, facilities, personnel, or services or to furnish such resources to the SASP. For example:

(a) GSA, or designated Federal agencies, may enter into a cooperative agreement to assist a SASP in distributing surplus property for donation. Assistance may include:

(1) Furnishing the SASP with available GSA or agency office space and related support such as office furniture and information technology equipment needed to screen and process property for donation.

(2) Permitting the SASP to retain items of surplus property transferred to the SASP that are needed by the SASP in performing its donation functions.

(b) GSA may help the SASP to enter into agreements with other GSA or Federal activities for the use of Federal telecommunications service or federally owned real property and related personal property.

§ 102–37.230 Costs related to providing support under a cooperative agreement.

The parties to a cooperative agreement must decide among themselves the extent to which the costs of the services they provide must be reimbursed. Their decision should be

reflected in the cooperative agreement. Generally, the Economy Act (31 U.S.C. 1535) would require a Federal agency receiving services from a SASP to reimburse the SASP for those services. Since SASPs are not Federal agencies, the Economy Act would not require them to reimburse Federal agencies for services provided by such agencies. In this situation, the Federal agencies would have to determine if their own authorities would permit them to provide services to SASPs without reimbursement. If a Federal agency is reimbursed by a SASP for services provided under a cooperative agreement, it must credit that payment to the fund or appropriation that incurred the related costs.

§ 102–37.235 Cooperative agreements between SASPs.

With GSA's concurrence and where authorized by State law, a SASP may enter into an agreement with an adjacent State to act as its agent and authorized representative in disposing of surplus Federal property. Interstate cooperative agreements may be considered when donees, because of their geographic proximity to the property distribution centers of the adjoining State, could be more efficiently and economically serviced by surplus property facilities in the adjacent State. You and the other SASP must agree to the payment or reimbursement of service charges by the donee, and you also must agree to the requirements of § 102–37.115(e).

§ 102–37.240 Cooperative agreement termination.

You may terminate a cooperative agreement with GSA 60-calendar days after providing GSA with written notice. For other cooperative agreements with other authorized parties, you or the other party may terminate the agreement as mutually agreed. You must promptly notify GSA when such other agreements are terminated.

§ 102–37.245 SASP audits.

For each year in which a SASP receives \$1,000,000 or more a year in surplus property or other Federal assistance, it must be audited in accordance with 2 CFR part 200. GSA's donation program should be identified by Catalog of Federal Domestic Assistance number 39.003 when completing the required schedule of Federal assistance.

§ 102–37.250 Federal reviews of SASPs.

Although SASPs are covered under the single audit process in 2 CFR part 200, the Government Accountability Office (GAO), GSA, or other authorized

Federal activities may audit or review the operations of a SASP. GSA will notify the chief executive officer of the state of the reasons for a GSA audit. When requested, you must make available financial records and all other records of the SASP for inspection by representatives of GSA, GAO, or other authorized Federal activities.

§ 102–37.255 SASP responsibility in donee audit compliance.

If a SASP donates \$1,000,000 or more in Federal property to a donee in a fiscal year, it must ensure that the donee has an audit performed in accordance with 2 CFR part 200. If a donee receives less than \$1,000,000 in donated property, the SASP is not expected to assume responsibility for ensuring the donee meets audit requirements, beyond making sure the donee is aware that the requirements do exist. It is the donee's responsibility to identify and determine the amount of Federal assistance it has received and to arrange for audit coverage.

§ 102–37.260 SASP reports to GSA.

(a) *Quarterly report on donations.* Submit GSA Form 3040 by the 25th of the month following the quarter being reported.

(b) *Additional reports.* Make other reports as GSA may require to report to Congress on the status and progress of the donation program.

§ 102–37.265 SASP liquidation plan.

Before suspending operations, a SASP must submit to GSA a liquidation plan that includes:

- (a) Reasons for the liquidation;
- (b) A schedule for liquidating the SASP and the estimated date of termination;
- (c) Method of disposing of property on hand under the requirements of this part;
- (d) Method of disposing of the SASP's physical and financial assets;
- (e) Retention of all available records of the SASP for a 2-year period following liquidation; and
- (f) Designation of another governmental entity to serve as the SASP's successor in function until continuing obligations on property donated prior to the closing of the SASP are fulfilled.

§ 102–37.270 Public notice of liquidation plans.

A liquidation plan constitutes a major amendment of a SASP's plan of operation and requires public notice.

Subpart E—Donations to Public Agencies, SEAs, and Eligible Nonprofit Organizations

§ 102–37.275 Statutory authority for donations of surplus property under this subpart.

(a) Section 549(d) of title 40, U.S. Code, authorizes surplus property under the control of the DoD to be donated, through SASPs, to educational activities which are of special interest to the armed services (referred to in this part as SEAs).

(b) Section 549(c)(3) of title 40, U.S. Code, authorizes SASPs to donate surplus property to public agencies and to nonprofit educational or public health institutions, such as:

- (1) Medical institutions.
- (2) Hospitals.
- (3) Clinics.
- (4) Health centers.
- (5) Drug abuse or alcohol treatment centers.
- (6) Providers of assistance to homeless individuals.
- (7) Providers of assistance to impoverished families and individuals.
- (8) Schools.
- (9) Colleges.
- (10) Universities.
- (11) Schools for the mentally disabled.
- (12) Schools for the physically disabled.
- (13) Child care centers.
- (14) Radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations.
- (15) Museums attended by the public.
- (16) Libraries, serving all residents of a community, district, state or region for free.
- (17) Historic light stations as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2)), including a historic light station conveyed under section 308(b), notwithstanding the number of hours that the historic light station is open to the public.

(c) Section 213 of the Older Americans Act of 1965, as amended (42 U.S.C. 3020d), authorizes donations of surplus property to State or local government agencies, or nonprofit organizations or institutions, that receive Federal funding to conduct programs for older individuals.

(d) Section 549(c)(3)(C) of title 40, U.S. Code, authorizes SASPs to donate property to veterans organizations, for purposes of providing services to veterans (as defined in 38 U.S.C. 101). Eligible veterans organizations are those whose:

(1) Membership comprises substantially veterans; and

(2) Representatives are recognized by the Secretary of Veterans Affairs under 18 U.S.C. 5902.

§ 102–37.280 Eligibility determinations.

(a) For most public and nonprofit activities, the SASP determines if an applicant is eligible to receive property as a public agency, a nonprofit educational or public health institution, or for a program for older individuals. A SASP may request GSA assistance or guidance in making such determinations.

(b) For applicants that offer courses of instruction devoted to the military arts and sciences, DoD will determine eligibility to receive surplus property through the SASP as an SEA.

§ 102–37.285 Eligibility criteria.

To qualify for donation program eligibility through a SASP, an applicant must:

(a) Conform to the definition of one of the categories of eligible entities listed in § 102–37.275;

(b) Demonstrate that it meets any approval, accreditation, or licensing requirements for operation of its program;

(c) Prove that it is a public agency or a nonprofit and tax-exempt organization under section 501 of the Internal Revenue Code;

(d) Certify that it is not debarred, suspended, or excluded from any Federal program, including procurement programs; and

(e) Operate in compliance with applicable Federal nondiscrimination statutes.

§ 102–37.290 Approval, accreditation, or licensing requirements determination.

A SASP may accept the following documentation as evidence that an applicant has met established standards for the operation of its educational or health program:

(a) A certificate or letter from a nationally recognized accrediting agency affirming the applicant meets the agency's standards and requirements.

(b) The applicant's appearance on a list with other similarly approved or accredited institutions or programs when that list is published by a State, regional, or national accrediting authority.

(c) Letters from state or local authorities, such as a board of health or a board of education, stating that the applicant meets the standards prescribed for approved or accredited institutions and organizations.

(d) For educational activities, letters from three accredited or State-approved

institutions that students from the applicant institution have been and are being accepted.

(e) For public health institutions, licensing may be accepted as evidence of approval, provided the licensing authority prescribes the medical requirements and standards for the professional and technical services of the institution.

(f) The awarding of research grants to the institution by a recognized authority.

§ 102–37.295 Eligibility records.

In general, you must maintain the records required by your State plan to document donee eligibility. For SEAs, you must maintain separate records that include:

(a) Documentation verifying that the activity has been designated as eligible by DoD to receive surplus DoD property.

(b) A statement designating one or more donee representative(s) to act for the SEA in acquiring property.

(c) A listing of the types of property that are needed or have been authorized by DoD for use in the SEA's program.

§ 102–37.300 Eligibility records updates.

You must update donee eligibility records as needed, at least every 3 years, to ensure that all documentation supporting the donee's eligibility is current and accurate. Annually, you must update files for nonprofit organizations whose eligibility depends on annual appropriations, licensing, or certification. You must take particular care to ensure that all records are current relating to the authority of donee representatives to screen and receive property.

§ 102–37.305 Failure to maintain eligibility status.

If you determine that a donee has failed to maintain its eligibility status, you must terminate distribution of property to that donee, recover any usable property still under Federal restriction, and take any other required compliance actions.

§ 102–37.310 Negative eligibility determination appeals.

If an applicant appeals a negative eligibility determination, forward complete documentation on the appeal request, including your comments and recommendations, to GSA for review. GSA's decision will be final.

§ 102–37.315 Conditional eligibility of donees without approval, accreditation, or licensing.

You may grant conditional eligibility to such an applicant provided it submits a statement from any required

approving, accrediting, or licensing authority confirming it will be approved, accredited, or licensed. Conditional eligibility may be granted for a limited and reasonable time, not to exceed one year.

§ 102–37.320 Conditional eligibility of not-for-profit organizations pending tax-exempt status.

Under no circumstances may you grant conditional eligibility prior to receiving from the applicant a copy of a letter of determination by the Internal Revenue Service stating that the applicant is exempt from Federal taxation under section 501 of the Internal Revenue Code.

§ 102–37.325 Property available for donation to donees with conditional eligibility.

You may only make available surplus property that the donee can use immediately. If property is provided to the donee with conditional eligibility, and the conditional eligibility lapses, the property must be returned to the SASP for redistribution or disposal.

§ 102–37.330 Authorized purposes for surplus property.

(a) *Public purposes.* A public agency that acquires surplus property through a SASP must use such property to carry out or to promote one or more public purposes for the people it serves.

(b) *Educational and public health purposes, including related research.* A nonprofit educational or public health institution must use surplus property for education or public health, including research for either purpose and assistance to the homeless or impoverished. While this does not preclude the use of donated surplus property for a related or subsidiary purpose incident to the institution's overall program, the property may not be used for a nonrelated or commercial purpose.

(c) *Programs for older individuals.* An entity that conducts a program for older individuals must use donated surplus property to provide services that are necessary for the general welfare of older individuals, such as social services, transportation services, nutrition services, legal services, and multipurpose senior centers.

§ 102–37.335 Property acquired for exchange.

A donee may not acquire property with the intent to sell or trade it for other assets.

§ 102–37.340 Donee certifications.

Prior to a SASP releasing property to a donee, the donee must certify that:

(a) It is a public agency or a nonprofit organization meeting the requirements of the Property Act and/or regulations of GSA;

(b) It is acquiring the property for its own use and will use the property for authorized purposes;

(c) Funds are available to pay all costs and charges incident to the donation;

(d) It will comply with the nondiscrimination regulations issued under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4), 40 U.S.C. 122, section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688), as amended, and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107); and

(e) It is not currently debarred, suspended, declared ineligible, or otherwise excluded from receiving the property.

§ 102–37.345 Donee agreements.

Before a SASP may release property to a donee, the donee must agree to the following conditions:

(a) The property is acquired on an “as is, where is” basis, without warranty of any kind, and it will hold the Government harmless from any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the property, its use, or final disposition.

(b) It will return to the SASP, at its own expense, any donated property:

(1) That is not placed in use for the purposes for which it was donated within 1 year of donation; or

(2) Which ceases to be used for such purposes within 1 year after being placed in use.

(c) It will comply with the terms and conditions imposed by the SASP on the use of any property having a unit acquisition cost of \$5,000 or more and any passenger motor vehicle or other donated item. (Not applicable to SEAs.)

(d) It agrees that, upon execution of the SASP distribution document, it has conditional title only to the property during the applicable period of restriction. Full title to the property will vest in the donee only after the donee has met all requirements of this part.

(e) It will comply with any conditions imposed by GSA requiring special handling or use limitations on donated property.

(f) It will use the property for an authorized purpose during the period of restriction.

(g) It will obtain permission from the SASP before selling, trading, leasing, loaning, bailing, cannibalizing,

encumbering or otherwise disposing of property during the period of restriction, or removing it permanently for use outside the State.

(h) It will report to the SASP on the use, condition, and location of donated property, and on other pertinent matters as the SASP may require from time to time.

(i) If an insured loss of the property occurs during the period of restriction, GSA or the SASP (depending on which agency has imposed the restriction) will be entitled to reimbursement out of the insurance proceeds of an amount equal to the unamortized portion of the fair market value of the damaged or destroyed item.

§ 102–37.350 Special handling conditions or use limitations.

GSA may prescribe additional restrictions for handling or using these items or prescribe special processing requirements on items in addition to those listed in this section.

(a) *Aircraft and vessels.* The requirements of this section apply to the donation of any fixed- or rotary-wing aircraft and donable vessels that are 50 feet or more in length, having a unit acquisition cost of \$5,000 or more, regardless of the purpose for which they were donated. Such aircraft or vessels may be donated to public agencies and eligible nonprofit activities provided the aircraft or vessel is not classified for reasons of national security and any lethal characteristics are removed.

(b) *Alcohol.* (1) When tax-free or specially denatured alcohol is requested for donation, the donee must have a special permit issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of the Justice, to acquire the property. Include the ATF use-permit number on the SF 123.

(2) You may not store tax-free or specially denatured alcohol in SASP facilities. You must make arrangements for this property to be shipped or transported directly from the holding agency to the designated donee.

(c) *Hazardous materials and property with unsafe or dangerous characteristics.* For hazardous materials and property with unsafe or dangerous characteristics, see part 102–40 of this subchapter.

(d) *Franked and penalty mail envelopes and official letterhead.* Franked and penalty mail envelopes and official letterhead may not be donated without the SASP certifying that all Federal Government markings will be obliterated before use.

§ 102–37.355 Aircraft and vessels special terms and conditions.

(a) There must be a period of restriction which will expire after the aircraft or vessel has been used for the purpose stated in the letter of intent for a period of 5 years, except that the period of restriction for a combat configured aircraft is in perpetuity.

(b) The donee of an aircraft must apply to the FAA for registration of an aircraft intended for flight use within 30 calendar days of receipt of the aircraft. The donee of a vessel must, within 30 calendar days of receipt of the vessel, apply for documentation of the vessel under applicable Federal, State, and local laws and must record each document with the U.S. Coast Guard at the port of documentation. The donee's application for registration or documentation must include a fully executed copy of the CTD and a copy of its letter of intent. The donee must provide the SASP and GSA with a copy of the FAA registration (and a copy of its FAA Standard Airworthiness Certificate if the aircraft is to be flown as a civil aircraft) or U.S. Coast Guard documentation.

(c) The aircraft or vessel must be used solely in accordance with the executed CTD and the plan of utilization set forth in the donee's letter of intent, unless the donee has amended the letter, and it has been approved in writing by the SASP and GSA and a copy of the amendment recorded with FAA or the U.S. Coast Guard, as applicable.

(d) In the event any of the terms and conditions imposed by the CTD are breached, title may revert to the Government. GSA may require the donee to return the aircraft or vessel or pay for any unauthorized disposal, transaction, or use.

(e) If, during the period of restriction, the aircraft or vessel is no longer needed by the donee, the donee must promptly notify the SASP and request disposal instructions. A SASP may not issue disposal instructions without the prior written concurrence of GSA.

(f) Military aircraft previously used for ground instruction and/or static display (Category B aircraft, as designated by DoD) or that are combat configured (Category C aircraft) may not be donated for flight purposes.

(g) For all aircraft donated for nonflight use, the donee must, within 30 calendar days of receipt of the aircraft, turn over to the SASP the remaining aircraft historical records (except the records of the major components/life limited parts). The SASP in turn must transmit the records to GSA for forwarding to the FAA.

§ 102–37.360 Modification or release of terms and conditions.

You may alter or grant releases from State-imposed restrictions, provided your state plan of operation sets forth the standards by which such actions will be taken. You may not grant releases from, or amendments or corrections to:

(a) The terms and conditions you are required by the Property Act to impose on the use of passenger motor vehicles and any item of property having a unit acquisition cost of \$5,000 or more.

(b) Any special handling condition or use limitation imposed by GSA, except with the prior written approval of GSA.

(c) The statutory requirement that usable property be returned by the donee to the SASP if the property has not been placed in use for the purposes for which it was donated within 1 year of donation or ceases to be used by the donee for those purposes within 1 year of being placed in use, except that:

(1) You may grant authority to the donee to cannibalize property items subject to this requirement when you determine that such action will result in increased use of the property and that the proposed action meets the standards prescribed in your plan of operation.

(2) You may, with the written concurrence of GSA, grant donees:

(i) A time extension to place property into use if the delay in putting the property into use was beyond the control and without the fault or negligence of the donee.

(ii) Authority to trade in one donated item for one like item having similar use potential.

§ 102–37.365 Release of restrictions on property authorized for cannibalization.

Property authorized for cannibalization must remain under the period of restriction imposed by the transfer/distribution document until the proposed cannibalization is completed. Components resulting from the cannibalization, which have a unit acquisition cost of \$5,000 or more, must remain under the restrictions imposed by the transfer/distribution document. Components with a unit acquisition cost of less than \$5,000 may be released upon cannibalization from the additional restrictions imposed by the State. However, these components must continue to be used or be otherwise disposed of in accordance with this part.

§ 102–37.370 Release of restrictions on property considered for exchange.

GSA must consent to the exchange of donated property under Federal restrictions or special handling

conditions. The donee must have used the donated item for its acquired purpose for a minimum of 6 months prior to being considered for exchange, and it must be demonstrated that the exchange will result in increased utilization value to the donee. As a condition of approval of the exchange, the item being exchanged must have remained in compliance with the terms and conditions of the donation. Otherwise, § 102–37.380 applies. The item acquired by the donee must be:

- (a) Made subject to the period of restriction remaining on the item exchanged; and
- (b) Of equal or greater value than the item exchanged.

§ 102–37.375 Utilization reviews.

You must conduct utilization reviews, as provided in your plan of operation, to ensure that donees are using surplus property during the period of restriction for the purposes for which it was donated. You must fully document your efforts and report all instances of noncompliance to GSA.

§ 102–37.380 Noncompliance actions with donation terms and conditions.

You must:

- (a) Promptly investigate any suspected failure to comply with the conditions of donated property;
- (b) Notify GSA immediately where there is evidence or allegation of fraud, wrongdoing by a screener, or nonuse, misuse, or unauthorized disposal or destruction of donated property;
- (c) Temporarily defer any further property donations to any donee under investigation for alleged noncompliance until all investigations have been completed and:

- (1) A determination has been made that the allegations are unfounded and the deferment is removed; or
- (2) The allegations are substantiated and the donee is proposed for suspension or debarment; and
- (d) Take steps to correct the noncompliance or otherwise enforce the conditions imposed on use of the property if a donee is found to be in noncompliance. Enforcement of compliance may involve:

- (1) Ensuring the property is used by the present donee for the purpose for which it was donated.
- (2) Recovering the property from the donee for:
 - (i) Redistribution to another donee within the state;
 - (ii) Transfer through GSA to another SASP; or
 - (iii) Transfer through GSA to a Federal agency.

(3) Recovering fair market value or the proceeds from disposal in cases of unauthorized disposal or destruction.

(4) Recovering fair rental value for property in cases where the property has been loaned or leased to an ineligible user or used for an unauthorized purpose.

(5) Disposing of property no longer suitable, usable, or necessary for donation, by public sale.

§ 102–37.385 SASP coordination with GSA.

You must coordinate with GSA before selling or demanding payment of the fair market or fair rental value of donated property that is:

- (a) Subject to any special handling condition or use limitation imposed by GSA; or
- (b) Not properly used within 1 year of donation or which ceases to be properly used within 1 year of being placed in use.

§ 102–37.390 Compliance actions funds.

You must promptly remit to GSA any funds derived from the enforcement of compliance involving a violation of any Federal restriction, for deposit in the U.S. Treasury. You must also submit any supporting documentation indicating the source of the funds and essential background information.

§ 102–37.395 Unneeded property reimbursement.

When a donee returns unneeded property to a SASP, the donee may be reimbursed for all or part of the initial cost of any repairs required to make the property usable if:

- (a) The donee requests reimbursement from the SASP for repair expenses;
- (b) The SASP recommends a reimbursement amount for GSA approval, taking into consideration the benefit the donee has received from the use of the property and making appropriate deductions for that use;
- (c) The property is subsequently transferred to a Federal agency and reimbursement is required as a condition of the transfer or the property is sold for the benefit of the U.S. Government;
- (d) No breach of the terms and conditions of donation has occurred; and
- (e) GSA authorizes the reimbursement.

§ 102–37.400 Donation requirements to SEAs.

Only DoD-generated property may be donated to SEAs. When donating DoD property to an eligible SEA, SASPs must observe any restrictions the sponsoring Military Service may have imposed on

the types of property the SEA may receive.

§ 102–37.405 SEA priority for DoD property.

SEAs have a priority over other SASP donees for DoD property, but only if DoD requests GSA to allocate surplus DoD property through a SASP for donation to a specific SEA. DoD must clearly identify the items and justify the request.

Subpart F—Donations to Public Airports

§ 102–37.410 Public airport donation authority.

Section 47151 of title 49, U.S. Code, authorizes executive agencies to give priority consideration to requests from a public airport as defined in 49 U.S.C. 47102 for the donation of surplus property if the Department of Transportation (DOT) considers the property appropriate for airport purposes and GSA approves the donation.

§ 102–37.415 Priority consideration.

A holding agency interested in giving priority consideration to a public airport should annotate its reporting document to make GSA aware of this interest. In an addendum to the document, include the name of the requesting airport, specific property requested, and a description of how the airport intends to use the property.

§ 102–37.420 FAA's responsibilities.

(a) Determine the property requirements of any State, political subdivision of a State, or tax-supported organization for public airport use;

(b) Set eligibility requirements for public airports and make eligibility determinations;

(c) Certify that property listed on a transfer request is desirable or necessary for public airport use;

(d) Advise GSA of FAA officials authorized to certify transfer requests and notify GSA of any changes in signatory authority;

(e) Determine and enforce compliance with the terms and conditions under which surplus personal property is transferred for public airport use; and

(f) Authorize public airports to visit holding agencies for the purpose of screening and selecting property for transfer, including:

(1) Issuing a screening pass or letter of authorization to only those persons who are qualified to screen.

(2) Maintaining a current record of screeners operating under FAA authority and making such records available to GSA upon request.

(3) Recovering any expired or invalid screener authorizations.

§ 102–37.425 Administrative information required to GSA.

FAA must:

- (a) Provide copies of internal instructions that outline the scope of FAA's oversight program for enforcing compliance with the terms and conditions of transfer; and
- (b) Report any compliance actions involving donations to public airports.

Subpart G—Donations to Public Bodies in Lieu of Abandonment/ Destruction

§ 102–37.430 Authority for donations to public bodies.

Pursuant to 40 U.S.C. 527, the abandonment, destruction, or donation to public bodies of property which has no commercial value or for which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale.

§ 102–37.435 Type of property a holding agency may donate under this subpart.

Only property that a holding agency has made a written determination to abandon or destroy may be donated under this subpart.

§ 102–37.440 Costs associated with the donation.

The recipient public body is responsible for paying the disposal costs incident to the donation, such as packing, preparation for shipment, demilitarization, loading, and transportation to its site.

Subpart H—Transfer of Vehicle Title to a Donee

§ 102–37.445 Responsibilities.

- (a) The holding agency is responsible for preparing SF 97–1 upon notification by GSA that a donee has been identified. The SF 97–1 may be prepared by GSA if mutually agreed upon by the holding agency and GSA. The holding agency is designated as the “transferor.” If the holding agency authorizes or requires any other entity, including a contractor or grantee, to complete this SF 97–1, the holding agency must first ensure compliance with the Paperwork Reduction Act.
- (b) The SASP is responsible for facilitating the transfer of the surplus vehicle to the donee in accordance with this part. The SASP must not sign the SF 97–1 as “transferee” unless the SASP is the donee.
- (c) The donee is responsible for processing the SF 97–1 in accordance with state licensing and titling

authorities. The donee signs the SF 97–1 as “transferee” upon receipt of the surplus motor vehicle. The donee is responsible for notifying the SASP if an SF 97–1 is not provided by the Government.

§ 102–37.450 Vehicle title transfer.

Title to the vehicle rests with the holding agency until the SF 97–1 is signed by the donee upon receipt of the surplus motor vehicle. If applicable under the terms of the donation, the title will be conditional until the end of the period of restriction.

- 8. Revise part 102–38 to read as follows:

PART 102–38—SALE OF PERSONAL PROPERTY

Subpart A—General Provisions

Sec.

- 102–38.5 Scope.
- 102–38.10 Conducting sales.
- 102–38.15 Executive agency responsibilities.
- 102–38.20 Care and handling costs.
- 102–38.25 Notification of a Federal requirement.

Subpart B—Sales Process

- 102–38.30 Sales process.
- 102–38.35 Sales methods.
- 102–38.40 Negotiated sales conditions.
- 102–38.45 Negotiated sales reporting requirements.
- 102–38.50 Negotiated sales at fixed prices.
- 102–38.55 Fixed priced sales to State agencies.
- 102–38.60 Public notice and advertising.
- 102–38.65 Inspections.
- 102–38.70 Requirements.
- 102–38.75 Binding terms and conditions.

Subpart C—Bids

- 102–38.80 Buyer eligibility.
- 102–38.85 Sales to Federal employees.

Subpart D—Completion of Sale

- 102–38.90 Sales contract award recipient.
- 102–38.95 No award options.
- 102–38.100 Title transfer requirements.
- 102–38.105 Sales proceeds retention.
- 102–38.110 Unused or unauthorized retention of sales proceeds.

Subpart E—Provisions for State and Local Governments

- 102–38.115 State and local personal property sales.
- 102–38.120 Personal property advertised for sale withdrawal.
- 102–38.125 Special provisions for State and local governments regarding negotiated sales.
- 102–38.130 Applicability of this part to SASPs when conducting sales.

Authority: 40 U.S.C. 121(c); 40 U.S.C. 541 through 548, 571, 573 and 574.

Subpart A—General Provisions

§ 102–38.5 Scope.

This part covers the policies governing the sale of surplus and exchange/sale personal property. Unless otherwise indicated, use of pronouns “we,” “you,” and their variants throughout this part refer to the executive agency responsible for the sale of the property.

§ 102–38.10 Conducting sales.

Only an executive agency designated or authorized by the General Services Administration (GSA) may sell personal property, including on behalf of another agency. Only an authorized contracting officer may execute the sale award documents and bind the United States to the sales contract.

§ 102–38.15 Executive agency responsibilities.

An executive agency's responsibilities in selling personal property are to:

- (a) Ensure the sale complies with the provisions of title 40 U.S.C., the regulations of this part, and any other applicable laws;
- (b) Issue internal guidance to promote uniformity of sales procedures;
- (c) Assure that officials designated to conduct and finalize sales are adequately trained;
- (d) Be accountable for the care and handling of the personal property prior to its removal by the buyer;
- (e) Adjust your property and financial records to reflect the final disposition;
- (f) Ensure all sales are made after publicly advertising for bids, except as provided for negotiated sales; and
- (g) Ensure advertising for bids permits full and free competition consistent with the value and nature of the property involved.

§ 102–38.20 Care and handling costs.

The holding agency is responsible for the care and handling costs of the personal property until it is removed by the buyer or the buyer's designee.

§ 102–38.25 Notification of a Federal requirement.

Federal agencies have first claim to excess or surplus personal property reported to GSA. When a bona fide need for the property exists and is expressed by a Federal agency, you or the holding agency must make the property available for transfer to the maximum extent practicable and prior to transfer of title to the property.

Subpart B—Sales Process

§ 102–38.30 Sales process.

You will sell personal property upon such terms and conditions as the head

of your agency or designee deems proper to promote the fairness, openness, and timeliness necessary for the sale to be most advantageous to the Government. When you are selling property on behalf of another agency, you must consult with the holding agency to determine any special or unique sales terms and conditions. You must also document the required terms and conditions of each sale as applicable, including:

- (a) Inspection.
- (b) Condition and location of property.
- (c) Eligibility of bidders.
- (d) Consideration of bids.
- (e) Bid deposits and payments.
- (f) Submission of bids.
- (g) Bid price determination.
- (h) Title.
- (i) Delivery, loading, and removal of property.
- (j) Default, returns, or refunds.
- (k) Modifications, withdrawals, or late bids.
- (l) Requirements to comply with applicable laws and regulations.
- (m) Certificate of independent price determinations.
- (n) Covenant against contingent fees.
- (o) Limitation on Government's liability.
- (p) Award of contract.

§ 102–38.35 Sales methods.

(a) You may use any method of sale provided the sale is publicly advertised and the personal property is sold with full and free competition. You must select the method of sale that will bring maximum return at minimum cost, considering factors such as:

- (1) Type and quantity of property;
- (2) Location of property;
- (3) Potential market;
- (4) Cost to prepare and conduct the sale;
- (5) Available facilities; and
- (6) Sales experience of the selling activity.

(b) Methods of sale may include sealed bid sales, spot bid sales, auctions, or negotiated sales and may be conducted at a physical location or through any electronic media that is publicly accessible.

§ 102–38.40 Negotiated sales conditions.

You may negotiate sales of personal property when:

- (a) The personal property has an estimated fair market value that does not exceed \$15,000;
- (b) The disposal will be to a state, territory, possession, political subdivision, or tax-supported agency, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation;

(c) Bid prices after advertising are not reasonable and re-advertising would serve no useful purpose;

(d) Public exigency does not permit any delay;

(e) The sale promotes public health, safety, or national security;

(f) The sale is in the public interest under a national emergency declared by the President or Congress. This authority may be used only with specific lot(s) of property or for categories determined by GSA for a designated period but not more than three months; or

(g) Selling the property competitively would have an adverse impact on the national economy, provided that the estimated fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation.

§ 102–38.45 Negotiated sales reporting requirements.

(a) In advance of the sale, report explanatory statements for each sale by negotiation of any personal property with an estimated fair market value of more than \$15,000 to the GSA oversight committees. No statement is needed for negotiated sales at fixed price or for any sale made without advertising when authorized by law other than 40 U.S.C. 545; and

(b) Report a listing and description of all negotiated sales of personal property with an estimated fair market value more than \$5,000 to GSA within 60 calendar days after the close of each fiscal year.

§ 102–38.50 Negotiated sales at fixed prices.

You may conduct negotiated sales of personal property at fixed prices (fixed price sale) under this section when:

(a) The items are authorized to be sold at fixed price by GSA, as reflected in GSA Bulletin FMR B–10;

(b) The head of your agency, or designee, determines in writing that such sales serve the best interest of the Government. When you are selling property on behalf of a holding agency, you must consult with the holding agency to determine whether a fixed price sale meets this criterion; and

(c) You must publicize such sales to the extent consistent with the value and nature of the property involved, and the prices established must reflect the estimated fair market value of the property. Property is sold on a first-come, first-served basis. You or the holding agency may also establish additional terms and conditions that must be met by the successful purchaser.

§ 102–38.55 Fixed priced sales to State agencies.

Before offering to the public, you may offer the property at fixed prices through the State Agency for Surplus Property (SASP) to any States, territories, possessions, political subdivisions, or tax-supported agencies, which have expressed an interest in obtaining the property.

§ 102–38.60 Public notice and advertising.

(a) You must provide public notice of your sale of personal property to permit full and free competition. Public notice should be made far enough in advance of the sale to ensure adequate notice, and to target your advertising efforts toward the market that will provide the best return at the lowest cost. Public advertising is considered an announcement of the sale using any media that reaches the public and is appropriate to the type and value of personal property to be sold. You may also distribute mailings or flyers of your offer to sell to prospective purchasers on mailing lists.

(b) The public notice must include information necessary for potential buyers to participate in the sale, such as:

- (1) Date, time and location of sale;
- (2) General categories of property being offered for sale;
- (3) Inspection period;
- (4) Method of sale (*i.e.*, spot bid, sealed bid, auction);
- (5) Selling agency; and
- (6) Who to contact for additional information.

§ 102–38.65 Inspections.

You must allow prospective bidders sufficient time to conduct inspections of the personal property to be sold. If physical inspections are prohibited due to agency circumstances, you must notify GSA in writing at least 3 days prior to the start of the screening period. The length of the inspection period depends on whether the inspection is electronic or physical. You should also consider the circumstances of sale; the accessibility of the sales facility; and the volume, type, and location of the property. Normally, you should provide at least 7 calendar days to ensure potential buyers can perform needed inspections.

§ 102–38.70 Requirements.

The offer to sell must include:

- (a) Sale date and time;
- (b) Method of sale;
- (c) Description of property being offered for sale;
- (d) Selling agency;
- (e) Location of property;
- (f) Time and place for receipt of bids;

- (g) Acceptable forms of bid deposits and payments; and
- (h) Terms and conditions of sale, including any specific restrictions and limitations.

§ 102–38.75 Binding terms and conditions.

Terms and conditions in the offer to sell are normally incorporated into the sales contract and are binding once a bid is accepted.

Subpart C—Bids**§ 102–38.80 Buyer eligibility.**

Generally, you may sell Federal personal property to anyone of legal age. You must not enter into a contract with persons or entities debarred or suspended from purchasing Federal property unless your agency head or designee responsible for the disposal action determines there is a compelling reason to do so.

§ 102–38.85 Sales to Federal employees.

You may sell Federal personal property to any Federal employee whose agency does not prohibit their employees from purchasing such property. Employees with nonpublic information regarding property offered for sale may not participate in that sale unless allowed by Federal or agency regulations (see 5 CFR 2635.703). For purposes of this section, the term *Federal employee* also applies to an immediate member of the employee's household.

Subpart D—Completion of Sale**§ 102–38.90 Sales contract award recipient.**

You will award the sales contract to the bidder with the highest responsive bid, unless a determination is made to reject the bid.

§ 102–38.95 No award options.

If no award is made, you may sell the personal property at another sale, or you may abandon or destroy it.

§ 102–38.100 Title transfer requirements.

No specific form or format is designated for transferring title from the Government to the buyer for personal property sold. You must execute a bill of sale or another document as evidence of transfer of title or any other interest in Government personal property. You must also ensure that the buyer submits any additional certifications to comply with specific conditions and restrictions of the sale.

§ 102–38.105 Sales proceeds retention.

(a) You may retain that portion of the sales proceeds, in accordance with your agreement with the holding agency,

equal to your direct costs and reasonably related indirect costs incurred in selling personal property.

(b) A holding agency may retain that portion of the sales proceeds equal to its costs of care and handling directly related to the sale of personal property.

(c) After accounting for amounts retained under paragraphs (a) and (b) of this section, a holding agency may retain the balance of proceeds from the sale of its agency's personal property when:

(1) It has the statutory authority to retain all proceeds from sales of personal property;

(2) The property sold was acquired with nonappropriated funds;

(3) The property sold was surplus Government property that was in the custody of a contractor or subcontractor, and the contract or subcontract provisions authorize the proceeds of sale to be credited to the price or cost of the contract or subcontract;

(4) The property was sold to obtain replacement property under the exchange/sale authority pursuant to part 102–39 of this subchapter; or

(5) The property sold was related to waste prevention and recycling programs, under the authority of section 706 of Public Law 115–31. Consult your General Counsel or Chief Financial Officer for guidance on use of this authority.

§ 102–38.110 Unused or unauthorized retention of sales proceeds.

Any sales proceeds that are not retained pursuant to the authorities in § 102–38.105 must be deposited as miscellaneous receipts in the U.S. Treasury.

Subpart E—Provisions for State and Local Governments**§ 102–38.115 State and local personal property sales.**

You may sell Government personal property to State and local governments through:

(a) Competitive sale to the public;

(b) Negotiated sale, through the appropriate SASP; or

(c) Negotiated sale at fixed price through the appropriate SASP. This method of sale can be used prior to a competitive sale to the public.

§ 102–38.120 Personal property advertised for sale withdrawal.

If a SASP wants to buy the personal property advertised for public sale, you are not required to withdraw the item.

§ 102–38.125 Special provisions for State and local governments regarding negotiated sales.

You must waive the requirement for bid deposits and payment prior to removal of the property. However, payment must be made within 30 calendar days after purchase.

§ 102–38.130 Applicability of this part to SASPs when conducting sales.

SASPs must follow the regulations in this part when conducting sales of Government personal property in their custody on behalf of GSA.

■ 9. Revise part 102–39 to read as follows:

PART 102–39—REPLACEMENT OF PERSONAL PROPERTY PURSUANT TO THE EXCHANGE/SALE AUTHORITY**Subpart A—General**

Sec.

102–39.5 Scope.

Subpart B—Exchange/Sale Provisions

102–39.10 Determinations.

102–39.15 When to offer exchange/sale property to Federal agencies and State Agencies for Surplus Property (SASPs).

102–39.20 Restrictions and prohibitions.

102–39.25 Conditions.

102–39.30 Accounting requirements.

Authority: 40 U.S.C. 121(c); 40 U.S.C. 503.

Subpart A—General**§ 102–39.5 Scope.**

This part covers the exchange/sale authority and applies to all personal property owned by executive agencies worldwide. Use of “you” throughout this part refers to executive agencies.

Subpart B—Exchange/Sale Provisions**§ 102–39.10 Determinations.**

Consider using the exchange/sale authority when replacing personal property. Determine whether an exchange or sale will provide a greater return for the Government.

§ 102–39.15 When to offer exchange/sale property to Federal agencies and State Agencies for Surplus Property (SASPs).

You should first solicit:

(a) Federal agencies known to use or distribute such property. If a Federal agency is interested in acquiring and paying for the property, you should arrange for a reimbursable transfer. Reimbursable transfers may also be conducted with the Senate, the House of Representatives, the Architect of the Capitol and any activities under the Architect's direction, the District of Columbia, and mixed-ownership Government corporations. When conducting a reimbursable transfer, you must:

(1) Do so under terms mutually agreeable to you and the recipient;

(2) Not require reimbursement of an amount greater than the estimated fair market value of the transferred property; and

(3) Apply the transfer proceeds in whole or part payment for property acquired to replace the transferred property.

(b) SASPs known to have an interest in acquiring such property. If a SASP is interested in acquiring the property, you should consider selling it to the SASP by negotiated sale at fixed price. The sales proceeds must be applied in whole or part payment for property acquired to replace the transferred property.

§ 102–39.20 Restrictions and prohibitions.

You should not use the exchange/sale authority if the exchange allowance or estimated sales proceeds for the property will be unreasonably low. You must not use the exchange/sale authority for:

(a)(1) The following Federal Supply Classification (FSC) groups of personal property:

(i) 10 Weapons. (This restriction/prohibition does not apply to Class 1005 weapons when conducting exchange/sales with the original equipment manufacturer.)

(ii) 11 Nuclear ordnance.

(iii) 44 Furnace, Steam Plant, and Drying Equipment; and Nuclear Reactors (FSC Class 4470, Nuclear Reactors only).

(iv) 68 Chemical and chemical products.

(v) 84 Clothing, individual equipment, and insignia.

(2) Deviations under paragraph (a)(1) of this section are not required for Department of Defense (DoD) property in any FSC Group when the applicable DoD demilitarization requirements, and any other applicable regulations and statutes, are met.

(b) Materials in the National Defense Stockpile (50 U.S.C. 98–98h) or the Defense Production Act inventory (50 U.S.C. App. 2093).

(c) Nuclear Regulatory Commission-controlled materials unless you meet the requirements of part 102–40 of this subchapter.

(d) Controlled substances, unless you meet the requirements of part 102–40 of this subchapter.

(e) Property with a condition code of scrap except:

(1) Property that had utility and value at the point in time when a determination was made to use the exchange/sale authority; or

(2) Property that was otherwise eligible for exchange/sale but was coded as scrap due to damage.

(f) Property that was originally acquired as excess, forfeited property, or from another source other than new procurement, unless such property has been in official use by the acquiring agency for at least 1 year. You may exchange or sell forfeited property in official use for less than 1 year if the head of your agency determines that a continuing valid requirement exists, but the specific item in use no longer meets that requirement, and that exchange or sale meets all other requirements of this part.

(g) Property that is dangerous to public health or safety without first rendering such property innocuous or providing for adequate safeguards as part of the exchange/sale.

(h) Combat material without demilitarizing it or obtaining a demilitarization waiver or other necessary clearances from the Defense Logistics Agency Disposition Services.

(i) Flight Safety Critical Aircraft Parts (FSCAP) and Critical Safety Items (CSI) unless you meet the provisions of part 102–33 of this subchapter.

(j) Vessels subject to 40 U.S.C. 548.

(k) Aircraft and aircraft parts, unless there is full compliance with all exchange/sale provisions in part 102–33 of this subchapter.

§ 102–39.25 Conditions.

You may use the exchange/sale authority if:

(a) The property exchanged or sold is similar to the property acquired;

(b) The property exchanged or sold is not excess or surplus and you have a continuing need for similar property;

(c) The property exchanged or sold was not acquired for the principal purpose of exchange or sale;

(d) When replacing personal property, the exchange allowance or sales proceeds from the disposition of that property may only be used to offset the cost of the replacement property, not services; and

(e) When replacing personal property by sale, you must use the methods, terms, and conditions of sale, and the forms prescribed in part 102–38 of this subchapter.

§ 102–39.30 Accounting requirements.

Exchange allowances or proceeds of sale under this part will be available during the fiscal year in which the property was exchanged or sold and for one fiscal year thereafter for the purchase of replacement property. Any proceeds of sale not applied to replacement purchases during this time must be deposited in the United States Treasury as miscellaneous receipts. Deviations will not be granted for this section.

■ 10. Revise part 102–40 to read as follows:

PART 102–40—UTILIZATION AND DISPOSITION OF PERSONAL PROPERTY WITH SPECIAL HANDLING REQUIREMENTS

Subpart A—General Provisions

Sec.

102–40.5 Scope.

Subpart B—Responsibilities

102–40.10 Personal property requiring special handling.

102–40.15 Disposal.

102–40.20 Reporting restrictions.

102–40.25 Care and handling.

Subpart C—Transfer and Donation of Personal Property With Special Handling Requirements

102–40.30 Transfer and donation.

102–40.35 Donation requirements.

102–40.40 Transfer costs.

Subpart D—Sale of Personal Property With Special Handling Requirements

102–40.45 Sales.

102–40.50 Terms and conditions.

102–40.55 Abandonment or destruction.

Subpart E—Additional Requirements

102–40.60 Ammunition and ammunition components.

102–40.65 Controlled substances.

102–40.70 Drugs, biologicals, and reagents other than controlled substances.

102–40.75 Firearms.

Authority: 40 U.S.C. 121(c).

Subpart A—General Provisions

§ 102–40.5 Scope.

(a) This part provides guidance regarding the utilization, transfer, donation, sale, and other disposal of Government personal property with special handling requirements.

(b) Pursuant to 40 U.S.C. 549(b)(1), State Agencies for Surplus property (SASPs) must comply with the provisions of this part related to the donation of surplus property with special handling requirements.

(c) The pronouns “we,” “you,” and their variants throughout this part refer to the executive agency, or other entity using this part, unless otherwise indicated.

Subpart B—Responsibilities

§ 102–40.10 Personal property requiring special handling.

Includes property containing hazardous materials, electronics, or property exhibiting dangerous characteristics such that improper use, storage, transportation, or disposal may lead to potential safety, health, environmental, economic, or national security risks. Often, the use, storage,

transportation, or disposal of these items is governed by Federal, State, and local laws and regulations.

§ 102–40.15 Disposal.

You must report excess personal property with special handling requirements to the General Services Administration (GSA) for excess/surplus screening. The report must clearly identify property requiring special handling and all related hazards, precautions, and handling requirements. You must dispose of property not required to be reported to GSA in accordance with applicable Federal, State, and local laws and regulations and your agency procedures.

§ 102–40.20 Reporting restrictions.

You are not required to report to GSA excess personal property with special handling requirements in the following categories:

(a) *Extremely hazardous personal property.* You must dispose of extremely hazardous personal property not reported to GSA in accordance with applicable Federal, State, and local laws and regulations. If circumstances permit, this material may be reported to GSA to optimize use of this already-acquired material. When reporting, at a minimum, you must identify the item and describe the actual or potential hazard(s) associated with the handling, storage, or use of the item(s).

(b) *Hazardous wastes.* You must dispose of hazardous wastes not reported to GSA in accordance with applicable Federal, State, and local laws and regulations.

(c) *Perishables.* You may dispose of perishables with no further utility by abandonment or destruction when it is not detrimental to public health or safety. Perishables that have a longer time before spoilage and are clearly able to be used may be reported to GSA. When reporting perishables, note if there is a specific expiration date and whether such date is an original or extended date.

§ 102–40.25 Care and handling.

The holding agency is responsible for the care and handling of hazardous materials and property requiring special handling until the property has:

- (a) Completed the disposal process; and
- (b) Been transferred, donated, sold, or destroyed. The nature of this material may require extra precautions, processes, or equipment, thereby increasing the cost of care and handling. These costs may be charged to the Federal agency or donation recipient.

Subpart C—Transfer and Donation of Personal Property With Special Handling Requirements

§ 102–40.30 Transfer and donation.

Personal property requiring special handling is generally available for transfer or donation. Surplus personal property identified as hazardous material not required for transfer as excess personal property to Federal agencies should normally be made available for donation.

§ 102–40.35 Donation requirements.

(a) The transfer document must contain a full description of the actual or potential hazards and restrictions associated with the handling, storage, use, transportation or disposal of the item and any continuing restrictions or instructions. GSA will not approve a donation to a SASP unless an eligible donee has been identified.

(b) You are responsible for establishing appropriate safeguards and providing instructions for personal protection to screeners who are inspecting property with special handling requirements.

§ 102–40.40 Transfer costs.

You may charge the recipient any costs you incur in packing, preparing for shipment, and transporting property with special handling requirements.

Subpart D—Sale of Personal Property With Special Handling Requirements

§ 102–40.45 Sales.

You may sell personal property with special handling requirements provided you:

- (a) Comply with applicable Federal, State, and local laws and regulations;
- (b) Follow applicable precautions, such as proper packaging, appropriate labeling with warning signs, and allowing proper safeguards during inspection;
- (c) Advertise and conduct sales of such property separately from other sales;
- (d) Store and display such property in a safe and controlled manner as required; and
- (e) Indicate if the property is being sold only for scrap, and/or if there are any use requirements or restrictions.

§ 102–40.50 Terms and conditions.

When selling personal property with special handling requirements, you must include the following in the sales terms and conditions:

- (a) A full description of the actual or potential hazard(s) associated with handling, storage, or use of the item, as

well as any use requirements, restrictions, or limitations;

(b) A Safety Data Sheet, Material Safety Data Sheet, or Hazardous Materials Identification System code, when applicable;

(c) A certification, executed by a duly authorized agency official, that the item is appropriately labeled and packaged in accordance with applicable regulatory and statutory requirements;

(d) Any additional requirements the purchaser must comply with prior to removal; and

(e) The necessary steps the purchaser must take in the handling and transportation of the property when the property is sold.

§ 102–40.55 Abandonment or destruction.

You may dispose of personal property requiring special handling by abandonment or destruction if you satisfy applicable Federal, State, and local waste disposal and air and water pollution control standards, laws, and regulations. You must ensure that such property, including empty hazardous material containers, is not abandoned until made safe, demilitarized, reduced to scrap, or otherwise made innocuous.

Subpart E—Additional Requirements

§ 102–40.60 Ammunition and ammunition components.

(a) Report usable ammunition to GSA for possible transfer to a Federal agency. You must not donate surplus ammunition. You may donate surplus ammunition components to eligible recipients. You may sell non-expended ammunition and ammunition components (expended and non-expended) only to companies licensed to perform manufacturing/remufacturing processes under the provisions of 18 U.S.C. 923 or other Federal law or regulation or to companies allowed to purchase ammunition components under local and State laws. If the ammunition is regulated by the National Firearms Act (NFA) or any other Federal regulation, the ammunition can only be disposed of in accordance with applicable regulation. Ammunition greater than .50 caliber can, in some instances, be regulated under the NFA. You must follow any demilitarization requirements.

(b) Expended ammunition cartridge cases may also be transferred or donated when the recipient certifies that the spent brass will be reloaded and used only for law enforcement purposes. If there is no Federal or State donation interest in the cases, and a sale of the scrap is not feasible, cartridge cases may

be disposed of using abandonment or destruction procedures. The recipient must certify that the expended cartridge cases will not be used for the original manufactured purpose.

§ 102–40.65 Controlled substances.

(a) You are not required to report excess controlled substances to GSA. If transferred, the recipient agency must certify that it is authorized to procure the controlled substance and provide the registration number on the Certificate of Registration, issued by the Drug Enforcement Administration (DEA) (21 CFR part 1307).

(b) You must not donate controlled substances.

(c) You may only sell controlled substances by sealed bid to bidders registered with the DEA to manufacture, distribute, or dispense the particular controlled substance. DEA registration must be submitted as a condition of sale.

(d) You must not abandon controlled substances. You must destroy controlled substances in such a manner as to ensure total destruction to preclude any further use and ensure such destruction complies with DEA regulations. Destruction must be witnessed and certified by two employees of your agency.

§ 102–40.70 Drugs, biologicals, and reagents other than controlled substances.

Drugs, biologicals, and reagents other than controlled substances—

(a) May be transferred to another Federal agency for official purposes.

(b) Must be clearly identified when they are unfit for human use and destroyed, with destruction performed by an agency employee and witnessed and certified by two additional representatives of your agency. Destruction of this property held by a SASP or donee must be destroyed by a SASP employee and witnessed by two additional SASP employees.

(c) Donating to a SASP requires certification from the donee indicating that the items will be managed in accordance with Federal, State, and local laws and regulations. Surplus drugs, biologicals, and reagents requested for donation by State agencies will not be transported by the State agency or stored in its warehouse prior to distribution to donees. Arrangements will be made by the SASP for the donee to make direct pickup at the holding agency after approval by GSA and after notification by the holding agency that the property is ready for pickup. Additionally, the Standard Form (SF) 123 will not be approved by GSA until it has been determined by GSA that the

donee is legally licensed to administer, dispense, store, or distribute such property. A copy of the donee's license, registration, or other legal authorization to administer, dispense, store, or distribute such property should be attached to the SF 123.

(d) Must be unexpired and sold in accordance with rules published by the Food and Drug Administration. You may sell only to those entities legally qualified to engage in the sale, manufacture or distribution of such items. Certification or evidence of licensing must accompany the bids. An entity is legally qualified when a Federal or State agency having legal or regulatory oversight over that commodity has approved the entity to engage in the designated activity.

§ 102–40.75 Firearms.

(a) You must submit reports and transfer documents on excess firearms to GSA. GSA will approve transfers of firearms only to those Federal agencies authorized to acquire firearms for official use, and may require additional written justification from the requesting agency. GSA will not transfer or donate surplus firearms to non-Federal recipients.

(b) You must not abandon firearms. You must destroy unneeded firearms by crushing, cutting, breaking, or deforming each firearm in a manner to ensure that each firearm is rendered completely inoperable and incapable of being made operable for any purpose except the recovery of basic material content. Destruction of firearms must be performed by an entity authorized by your agency head or designee. The destruction must be witnessed by two additional agency employees authorized by the agency head or designee.

(c) Surplus firearms may be sold only for scrap after total destruction as described in paragraph (b) of this section to ensure that the firearms are rendered completely inoperative and to preclude their being made operative.

(1) Except as provided in paragraph (c)(2) of this section, firearms received as foreign gifts may be offered for transfer to Federal agencies or sold to the gift recipient. If sold to the gift recipient, a certification signed by the gift recipient certifying compliance with all Federal, State, and local laws regarding purchase and possession of firearms must be received by the gift recipient's agency and the agency conducting the sale prior to the sale and release of such firearm to the gift recipient.

(2) Firearms subject to the NFA that are received as foreign gifts cannot be lawfully transferred to an individual gift

recipient. These firearms must remain the property of the United States. All firearms must also be transferred, shipped, received, and possessed in accordance with the Gun Control Act of 1968.

(d) You may exchange or sell non-excess, non-surplus firearms in FSC Class 1005 only with the original equipment manufacturer consistent with part 102–39 of this subchapter.

(e) Firearms that are forfeited, voluntarily abandoned, or unclaimed as described in 40 U.S.C. 1306 and 40 U.S.C. 552, must be reported to GSA for disposal.

■ 11. Revise part 102–41 to read as follows:

PART 102–41—DISPOSITION OF SEIZED, FORFEITED, VOLUNTARILY ABANDONED, AND UNCLAIMED PERSONAL PROPERTY

Subpart A—General Provisions

Sec.

102–41.5 Scope.

Subpart B—Seized or Forfeited Personal Property

102–41.10 Reporting requirements.

102–41.15 Transfer reimbursement of forfeited personal property.

102–41.20 Sale proceeds of forfeited personal property.

Subpart C—Voluntarily Abandoned Personal Property

102–41.25 Options.

102–41.30 Transfer reimbursement.

102–41.35 Sales proceeds.

Subpart D—Unclaimed Personal Property

102–41.40 Options.

Authority: 40 U.S.C. 121(c).

Subpart A—General Provisions

§ 102–41.5 Scope.

This part covers the disposition of seized, forfeited, voluntarily abandoned, and unclaimed personal property under the custody of any Federal agency located in the United States, the U.S. Virgin Islands, American Samoa, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau.

Subpart B—Seized or Forfeited Personal Property

§ 102–41.10 Reporting requirements.

Report seized or forfeited personal property not retained for official use to the General Services Administration (GSA). You must indicate:

(a) If the property was forfeited in a judicial proceeding or administratively;

(b) If the seized property is subject to pending court proceedings for forfeiture,

and, if so, the name of the defendant, the place and judicial district of the court from which the decree will be issued, and whether you wish to retain the property for official use;

(c) The report or case number; and

(d) The existence or probability of a lien, or other accrued or accruing charges, and the amount involved.

§ 102–41.15 Transfer reimbursement of forfeited personal property.

Recipient agencies do not pay for the property. You may charge the recipient agency all costs incurred in storing, packing, loading, preparing for shipment, and transporting the property. If there are commercial charges incident to forfeiture prior to the transfer, the recipient agency must pay these charges. Any payment due to lien holders or other lawful claimants under a judicial forfeiture must be made in accordance with provisions of the court decree.

§ 102–41.20 Sale proceeds of forfeited personal property.

You must deposit the sales proceeds in the U.S. Treasury as miscellaneous receipts, unless otherwise directed by court decree or specifically authorized by statute.

Subpart C—Voluntarily Abandoned Personal Property

§ 102–41.25 Options.

(a) You may retain the property for official use if needed by your agency. If retained for official use, the property loses its identity as voluntarily abandoned property.

(b) If your agency doesn't need the property, you should determine whether it may be abandoned or destroyed.

(c) Report the property as excess to GSA if paragraphs (a) and (b) of this section do not apply.

§ 102–41.30 Transfer reimbursement.

All transfers of voluntarily abandoned personal property are without reimbursement. You may charge the recipient agency costs you incurred in storing, packing, loading, preparing for shipment, and transporting the property.

§ 102–41.35 Sales proceeds.

You must deposit the sales proceeds of voluntarily abandoned personal property in the U.S. Treasury as miscellaneous receipts.

Subpart D—Unclaimed Personal Property

§ 102–41.40 Options.

(a) Title to unclaimed property vests in the Government after 30 days if not

claimed by the owner. You may retain the property for official use if needed by your agency and you have held the unclaimed property for 30 calendar days without receiving a claim from the former owner. You must maintain records for 3 years after title vests in the Government to permit identification of the property should the former owner file a claim. You must report the property as excess to GSA when no longer needed and deposit any funds received from disposal in a special account to cover any valid claim filed within this 3-year period.

(b) If your agency doesn't need the property, you should determine whether it may be abandoned or destroyed. You are not required to hold unclaimed property for 30 days if abandoning or destroying it; title to the property immediately vests in the Government.

(c) Report the property as excess to GSA if paragraphs (a) and (b) of this section do not apply, or when no longer needed under paragraph (a). Unclaimed personal property is not available for donation because reimbursement at fair market value is required. Any funds received from disposal must be deposited into miscellaneous receipts of the U.S. Treasury.

■ 12. Revise part 102–42 to read as follows:

PART 102–42—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

Subpart A—General Provisions

Sec.

102–42.5 Scope.

102–42.10 Additional definitions applying to this part.

102–42.15 Retention of foreign gifts and decorations.

102–42.20 Disposition process for foreign gifts and decorations not authorized for employee retention.

102–42.25 Custody of gifts and decorations pending disposal.

102–42.30 Security, care and handling, and delivery of gifts.

102–42.35 Reimbursement.

102–42.40 Appraisals.

102–42.45 Appraisal responsibilities.

102–42.50 Types of appraisals.

102–42.55 Appraisal submission.

102–42.60 Gifts and decorations received by Senators and Senate employees.

102–42.65 Gifts or decorations not disposed of by the Senate Commission on Art.

102–42.70 Gifts and decorations received by the President or Vice President or a member of their family.

102–42.75 Gifts containing hazardous materials.

Subpart B—Utilization of Foreign Gifts and Decorations

102–42.80 Reporting gifts or donations.

102–42.85 Transfer of excess foreign gifts or decorations.

Subpart C—Donation of Foreign Gifts and Decorations

102–42.90 Donations to State agencies.

102–42.95 Special requirements.

Subpart D—Sale or Destruction of Foreign Gifts and Decorations

102–42.100 Sales procedures.

102–42.105 Destruction.

Authority: 40 U.S.C. 121(c); 5 U.S.C. 7342.

Subpart A—General Provisions

§ 102–42.5 Scope.

This part covers the acceptance and disposition of gifts exceeding the minimal value and decorations from foreign governments under 5 U.S.C. 7342. If you receive gifts from sources other than a foreign government, refer to part 102–36 of this subchapter. Throughout this part, the terms “we”, “you”, and their variations refer to the employing agency.

§ 102–42.10 Additional definitions applying to this part.

Decoration means an order, device, medal, badge, insignia, emblem, or award offered by or received from a foreign government.

Employee means:

(1) An employee as defined by 5 U.S.C. 2105 and an officer or employee of the United States Postal Service or of the Postal Regulatory Commission;

(2) An expert or consultant who is under contract under 5 U.S.C. 3109 with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under that section, any individual involved in the performance of such services;

(3) An individual employed by or occupying an office or position in the government of a territory or possession of the United States or the government of the District of Columbia;

(4) A member of a uniformed service as specified in 10 U.S.C. 101;

(5) The President and the Vice President;

(6) A Member of Congress as defined by 5 U.S.C. 2106 (except the Vice President) and any Delegate to the Congress; and

(7) The spouse of an individual described in paragraphs (1) through (6) of this definition (unless this individual and the individual's spouse are legally separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152)) of this individual, other than a spouse or dependent who is an employee under paragraphs (1) through (6) of this definition.

Employing agency means:

(1) The department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees;

(2) The U.S. House Committee on Ethics of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in 5 U.S.C. 7342(c)(2)(A), (e)(1), and (g)(2)(B) must be carried out by the Clerk of the House;

(3) The U.S. Senate Select Committee on Ethics, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in 5 U.S.C. 7342(c)(2), (d), and (g)(2)(B) must be carried out by the Secretary of the Senate; and

(4) The Administrative Offices of the United States Courts, for judges and judicial branch employees.

Foreign government means:

(1) Any unit of foreign government, including any national, State, local, and municipal government and their foreign equivalents;

(2) Any international or multinational organization whose membership is composed of any unit of a foreign government; and

(3) Any agent or representative of any such foreign government unit or organization while acting as such.

Gift means a tangible or intangible present (other than a decoration) of monetary or non-monetary value tendered by, or received from, a foreign government.

Minimal value means a retail value in the United States at the time of acceptance that is at or below the dollar value established by the General Services Administration (GSA) and published in a Federal Management Regulation (FMR) Bulletin at www.gsa.gov/personalpropertypolicy.

(1) GSA will adjust the definition of minimal value every three years, in consultation with the Secretary of State, to reflect changes in the Consumer Price Index for the immediately preceding 3-year period.

(2) An employing agency may, by regulation, specify a lower value than this Government-wide value for its agency employees.

Spouse means any individual who is lawfully married (unless legally separated), including an individual married to a person of the same sex who was legally married in a state or other jurisdiction (including a foreign country), that recognizes such marriages, regardless of whether or not

the individual's State of residency recognizes such marriages. The term spouse does not include individuals in a formal relationship recognized by a State, which is other than lawful marriage; it also does not include individuals in a marriage in a jurisdiction outside the United States that is not recognized as a lawful marriage under United States law.

§ 102–42.15 Retention of foreign gifts and decorations.

Employees may, with the authorization of their employing agencies, accept and retain the following:

(a) Gifts of minimal value received as souvenirs or marks of courtesy. In instances where a gift exceeds the minimal value, it becomes the property of the U.S. Government, not the employee, and must be reported accordingly.

(b) Decorations presented or awarded in recognition of outstanding or unusually meritorious performance. Should the employing agency deny the employee's retention of the decoration, it will revert to the property of the U.S. Government.

§ 102–42.20 Disposition process for foreign gifts and decorations not authorized for employee retention.

(a) *Non-monetary gifts or decorations.* When an employee receives a non-monetary gift exceeding the minimal value, or a decoration they are not authorized to retain:

(1) The employee must report the gift or decoration to their employing agency within 60 days after accepting it.

(2) The employing agency will determine whether to retain the gift or decoration for official use.

(3) If the employing agency declines to retain the gift or decoration for official use or return it to the donor, it must report the item as excess personal property to GSA for Federal utilization screening under § 102–42.80.

(4) If the gift or decoration is not transferred during Federal utilization screening, the employee may purchase the item (see § 102–42.100).

(5) If the employee declines to purchase the gift or decoration, and no Federal requirement exists, GSA may offer it for donation through State Agencies for Surplus Property (SASP) under part 102–37 of this subchapter.

(6) If no SASP requests the gift or decoration for donation, GSA may, with the approval of the Secretary of State, offer it for public sale or authorize its destruction under part 102–38 of this subchapter.

(b) *Monetary gifts.* When an employee receives a monetary gift exceeding the minimal value:

(1) The employee must report the gift to their employing agency within 60 days after accepting it.

(2) The employing agency must:

(i) Report monetary gifts with potential historic or numismatic (*i.e.*, collectible) value to GSA; or

(ii) Deposit monetary gifts lacking historic or numismatic value with the Department of the Treasury.

§ 102–42.25 Custody of gifts and decorations pending disposal.

(a) The employing agency retains custody of gifts and decorations for which employees have expressed an interest in purchasing.

(b) GSA will accept physical custody of gifts exceeding the minimal value that employees decline to purchase, or decorations not retained for official use or returned to donors.

(c) GSA will not accept physical custody of foreign gifts below the minimal value, or gifts of firearms or alcohol. Firearms reported by the agency as excess must be disposed of in accordance with part 102–40 of this subchapter.

§ 102–42.30 Security, care and handling, and delivery of gifts.

The employing agency is responsible for the security, care and handling, and delivery of gifts and decorations to GSA, and all associated costs.

§ 102–42.35 Reimbursement.

All transfers of gifts and decorations to Federal agencies or donations through SASPs are conducted without reimbursement for the property itself. However, the employing agency may require the receiving agency to reimburse all or a portion of the direct costs incurred by the employing agency for packing, preparation for shipment, loading, and transportation.

§ 102–42.40 Appraisals.

An appraisal is required in the following circumstances:

(a) When an employee expresses interest in purchasing a gift or decoration. In this situation, the appraisal must be obtained prior to reporting the gift or decoration to GSA for screening (see § 102–42.20);

(b) When GSA requires the employing agency to obtain an appraisal of a gift or decoration retained for official use but no longer needed, prior to accepting the agency's report of the item as excess personal property; or

Note 1 to paragraphs (a) and (b): Refer to § 102–42.50 for guidance on how appraisals under these two situations are handled.

(c) When required by the agency's internal policy, pursuant to 5 U.S.C. 7342(g).

§ 102–42.45 Appraisal responsibilities.

The employing agency is responsible for establishing its own procedure for obtaining an appraisal that accurately reflects the gift's value within the United States. This requirement applies to all gifts, including those the recipient wishes to retain and/or purchase, and also includes personalized items (*e.g.*, books signed by the author, gifts with personal labels).

§ 102–42.50 Types of appraisals.

Your agency may allow—

(a) Written commercial appraisals conducted by an appraisal firm or trade organization; and

(b) Retail value appraisals where the gift's value can be reliably determined by reviewing current, non-discounted retail catalogs, retail price lists, or retail website valuations.

§ 102–42.55 Appraisal submission.

When an appraisal is required under § 102–42.40, the employing agency must upload it in the Personal Property Management System (PPMS) when reporting the gift. By uploading the appraisal, the employing agency certifies that the value cited represents the retail/appraised value of the item in the United States, expressed in U.S. dollars, as of the date indicated on the appraisal.

§ 102–42.60 Gifts and decorations received by Senators and Senate employees.

Gifts and decorations received by Senators and Senate employees are deposited with the Secretary of the Senate for disposal by the Senate Commission on Art under 5 U.S.C. 7342(e)(2). GSA is responsible for the disposal of gifts or decorations received by Members and employees of the House of Representatives.

§ 102–42.65 Gifts or decorations not disposed of by the Senate Commission on Art.

If the Senate Commission on Art does not dispose of a gift or decoration, it must be reported to GSA for disposal. If GSA does not dispose of the gift or decoration within one year of the Commission's reporting, the Commission may:

(a) Request that GSA return the gift or decoration for the Commission to dispose of it independently; or

(b) Allow GSA to continue disposal efforts in accordance with this part.

§ 102–42.70 Gifts and decorations received by the President or Vice President or a member of their family.

The National Archives and Records Administration normally handles gifts and decorations received by the President, Vice President, or a member of their respective families.

§ 102–42.75 Gifts containing hazardous materials.

Gifts containing hazardous materials are handled in accordance with the requirements and provisions of this part and part 102–40 of this subchapter.

Subpart B—Utilization of Foreign Gifts and Decorations

§ 102–42.80 Reporting gifts or donations.

(a) You must report to GSA gifts exceeding the minimal value (excluding monetary gifts lacking historic or numismatic value) or decorations that the employee is not authorized to retain, which:

(1) Are not being retained for official use or have not been returned to the donor; or

(2) Were received by a Senator or Senate employee and not disposed of by the Senate Commission on Art.

(b) Non-monetary gifts or decorations initially retained for official use must be reported to GSA as excess property within 30 days of the termination of their official use.

(c) Report foreign gifts in PPMS by selecting "Create Foreign Gift" and include the following information:

(1) The name and position of the employee (unless the employee is a member of the intelligence community);

(2) A full description of the gift or decoration, including the title of the decoration;

(3) The identity of the foreign government (if known) and the name and position of the individual who presented the gift or decoration;

(4) The date the gift or decoration was accepted by the employee;

(5) The appraised value in United States dollars of the gift or decoration, including the cost of the appraisal (The employing agency must obtain a commercial appraisal before the gift is offered for sale to the employee.);

(6) The current location of the gift or decoration;

(7) The name, address, and telephone number of the accountable official in the employing agency;

(8) Whether the employee wants to buy the gift, or whether the employee wants the gift or decoration donated to an eligible donee through GSA's surplus donation program. Document this interest in a letter outlining any special

significance of the gift or decoration to the proposed donee. Also provide the mailing address and telephone number of both the employee and the proposed donee;

(9) The Presidential Administration in which the gift or decoration was received; and

(10) Identify each gift or decoration as a separate line item. Report multiple gift items that make up a set (*e.g.*, a tea set, a necklace and matching earrings) as a single line item.

§ 102–42.85 Transfer of excess foreign gifts or decorations.

(a) To obtain an excess gift or decoration from another agency, you may request it in PPMS. Upon these items no longer being required, you must report them to GSA as foreign gift items.

(b) You may only request excess gifts and decorations for public display or other legitimate agency use, and not for the personal benefit of any individual. GSA may require that transfer orders be supported by justifications for the intended display or official use of the requested gifts and decorations. Jewelry and watches transferred for official display must be displayed with appropriate security measures.

(c) When transferred gifts and decorations are no longer required for official use, they must be reported to GSA as excess property on a Standard Form (SF) 120, including the original transfer order number or a copy of the original transfer order.

Subpart C—Donation of Foreign Gifts and Decorations

§ 102–42.90 Donations to State agencies.

If no Federal requirement exists for the gifts or decorations, and if the gifts were not sold to the employee, GSA may make them available for donation to State agencies. The State Agencies for Surplus Property (SASP) must initiate the process on behalf of a prospective donee (*e.g.*, units of State or local governments and eligible non-profit organizations) by:

(a) Requesting the items in PPMS.

(b) Attaching an original and two copies of a letter of intent to the request in PPMS. An authorized representative of the proposed donee must sign and date the letter, which must detail the plan for the use of the property. The letter of intent must provide the following information:

(1) Identification of the donee applicant, including its legal name and complete address, its status as a public agency or eligible nonprofit tax-exempt activity, and the name, title, and

telephone number of its authorized representative(s);

(2) A description of the gift or decoration requested, including its commercially appraised value or estimated fair market value if a commercial appraisal was not performed; and

(3) Details regarding the planned use of the gift or decoration, including its intended location, how it will be used, and the measures in place to safeguard it.

§ 102-42.95 Special requirements.

GSA imposes special handling and use limitations on the donation of gifts and decorations. The SASP distribution document must contain or adopt by reference the following:

(a) The donee must display or use the gift or decoration in accordance with its GSA-approved letter of intent.

(b) A restriction period of typically 10 years applies to the use outlined in the letter of intent; however, GSA may adjust this period based upon the item's nature.

(c) The donee must allow authorized representatives of the SASP or the U.S. Government the right of access to the donee's premises at reasonable times for inspection of the gift or decoration.

(d) During the period of restriction, the donee must not:

(1) Sell, trade, lease, lend, bail, encumber, cannibalize or dismantle for parts, or otherwise dispose of the property;

(2) Remove it permanently for use outside the State;

(3) Transfer title to the gift or decoration directly or indirectly; or

(4) Take any action that could contribute to the gift or decoration being seized, attached, lost, stolen, damaged, or destroyed.

(e) If the gift or decoration is no longer suitable, usable, or needed by the donee for the stated purpose of donation during the restriction period, the donee must promptly notify GSA through the SASP. Upon demand by GSA, title and right to possession of the gift or decoration reverts to the U.S. Government. In this event, the donee must comply with transfer or disposition instructions furnished by GSA through the SASP and pay the costs of transportation, handling, and reasonable insurance during transportation.

(f) The donee must comply with all additional conditions covering the handling and use of any gift or decoration imposed by GSA.

(g) If the donee fails to comply with the conditions or limitations during the restriction period, the SASP may

demand the return of the gift or decoration. Upon such demand, title and right to possession of the gift or decoration reverts to the U.S. Government. In this event, the donee must return the gift or decoration in accordance with instructions furnished by the SASP, with costs of transportation, handling, and reasonable insurance during transportation to be paid by the donee or as directed by the SASP.

(h) If the gift or decoration is lost, stolen, or cannot legally be recovered or returned for any other reason, the donee must pay the U.S. Government the fair market value of the gift or decoration at the time of its loss, theft, or when it became unrecoverable, as determined by GSA. If the gift or decoration is damaged or destroyed, the SASP may require the donee to:

(1) Return the item and pay the difference between its former fair market value and its current fair market value; or

(2) Pay the fair market value, as determined by GSA, of the item had it not been damaged or destroyed.

Subpart D—Sale or Destruction of Foreign Gifts and Decorations

§ 102-42.100 Sales procedures.

(a) The Secretary of State, or their designee, must approve any sale of foreign gifts or decorations, with the exception of sales to the employee, which are approved as outlined in this part.

(b) Foreign gifts and decorations must first be offered through negotiated sales, in accordance with part 102-38 of this subchapter, to the employee who has expressed interest in purchasing the item. The sale price will be the commercially appraised value of the gift.

(c) A public sale is authorized if a foreign gift or decoration:

(1) Survives Federal utilization screening;

(2) Is not purchased by the employee;

(3) Survives donation screening; and

(4) Is approved by the Secretary of State or designee.

(d) The proceeds from the sale of foreign gifts or decorations must be deposited in the Treasury as miscellaneous receipts, unless otherwise authorized.

§ 102-42.105 Destruction.

Foreign gifts or decorations that are not sold under this section may be destroyed and disposed of as scrap or for their material content, in accordance with part 102-38 of this subchapter.

■ 13. Revise part 102-71 to read as follows:

PART 102-71—REAL PROPERTY MANAGEMENT

Subpart A—General

Sec.

102-71.5 GSA real property policies.

102-71.10 Definitions.

102-71.15 Deviation.

102-71.20 Installing, repairing, and replacing sidewalks.

102-71.25 Fire Administration Authorization Act of 1992.

102-71.30 Automatic sprinkler systems.

102-71.35 Equivalent level of safety analysis.

102-71.40 Analytical and empirical tools available to support the life safety equivalency evaluation.

102-71.45 Responsible party for determining the acceptability of each equivalent level of safety analysis.

102-71.50 Rent.

102-71.55 Establishing an occupant emergency program.

102-71.60 Occupant agencies are required to cooperate with the Designated Official in the implementation of the emergency plans and the staffing of the emergency organization.

102-71.65 Federal agency occupant emergency responsibilities.

102-71.70 Decision to activate the Occupant Emergency Organization.

102-71.75 Accomplishing occupant evacuation or relocation when there is immediate danger to persons or property, such as fire, explosion or the discovery of an explosive device (not including a bomb threat).

102-71.80 Action the Designated Official must initiate when there is advance notice of an emergency.

102-71.85 Portable heaters, fans, and other such devices.

102-71.90 Tobacco policy for interior space in Federal facilities.

102-71.95 Tobacco policy exceptions.

102-71.100 Tobacco product restrictions applicable to outside areas under executive branch control.

102-71.105 Furnishing and installing signs concerning tobacco product restrictions.

102-71.110 Monitoring and controlling areas designated for tobacco products by an agency head.

102-71.115 When a State or local government has a tobacco product-free ordinance that is stricter than the tobacco policy for Federal facilities.

102-71.120 Severability.

Subpart B—Use of Federal Real Property To Assist the Homeless

102-71.125 Definitions.

102-71.130 Applicability.

102-71.135 Collecting the information.

102-71.140 Suitability determination.

102-71.145 Real property reported excess to GSA.

102-71.150 Suitability criteria.

102-71.155 Determination of availability for suitable properties.

102-71.160 Public notice of determination.

102-71.165 General policies of HHS.

102-71.170 Expression of interest process.

102-71.175 Application process and requirements.

- 102–71.180 Action on approved applications.
- 102–71.185 Surplus property transfer documents.
- 102–71.190 Unsuitable properties.
- 102–71.195 Compliance with the National Environmental Policy Act of 1969 and other related acts (environmental impact).
- 102–71.200 No applications approved.
- 102–71.205 Utilization and enforcement.
- 102–71.210 Other uses.
- 102–71.215 Abrogation.
- 102–71.220 Compliance inspections and reports.
- 102–71.225 No right of administrative review for agency decisions.
- 102–71.230 Waivers.
- 102–71.235 Severability.

Authority: 40 U.S.C. 121(c), 586(b)(2), 589(c), 15 U.S.C. 2227(d), 42 U.S.C. 11411 note.

Subpart A—General

§ 102–71.5 GSA real property policies.

GSA's real property policies contained in this part apply to Federal agencies, including GSA's Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services. The detailed guidance implementing the policies in this part is contained in separate customer service guides that may be found at <https://www.gsa.gov/directives-library>. For more information, contact GSA at realpropertypolicy@gsa.gov.

§ 102–71.10 Definitions.

The following definitions apply to GSA's real property policies:

Alteration means remodeling, improving, extending, or making other changes to a facility, exclusive of maintenance repairs that are preventive in nature. The term includes planning, engineering, architectural work, and other similar actions.

Designated Official is the highest ranking official of the primary occupant agency of a Federal facility, or, alternatively, a designee selected by mutual agreement of occupant agency officials.

Executive agency means an executive department specified in 5 U.S.C. 101; a military department specified in 5 U.S.C. 102; an independent establishment as defined in 5 U.S.C. 104(1); and a wholly owned Government corporation fully subject to the provisions of 31 U.S.C. chapter 91.

Federal agency means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his or her direction).

Flashover means fire conditions in a confined area where the upper gas layer temperature reaches 600 °C (1100 °F) and the heat flux at floor level exceeds 20 kW/m² (1.8 Btu/ft²/sec).

GSA means the U.S. General Services Administration, acting by or through the Administrator of General Services, or a designated official to whom functions under this part have been delegated by the Administrator of General Services.

Maintenance means the upkeep of property only to the extent necessary to offset serious deterioration; also such operation of utilities, including water supply and sewerage systems, heating, plumbing, and air-conditioning equipment, as may be necessary for fire protection, the needs of interim tenants, and personnel employed at the site, and the requirements for preserving certain types of equipment. Maintenance may also mean preservation by inspection, adjustment, lubrication, cleaning, and the making of minor repairs. **Ordinary maintenance** means routine recurring work that is incidental to everyday operations; **preventive maintenance** means work programmed at scheduled intervals.

Management means the safeguarding of the Government's interest in property, in an efficient and economical manner consistent with the best business practices.

Nonprofit organization means an organization identified in 26 U.S.C. 501(c).

Occupancy Emergency Organization means the emergency response organization comprised of employees of Federal agencies designated to perform the requirements established by the Occupant Emergency Plan.

Occupant agency means an organization that is assigned space in a facility under GSA's custody and control.

Occupant Emergency Plan means procedures developed to protect life and property in a specific federally occupied space under stipulated emergency conditions.

Occupant Emergency Program means a short-term emergency response program. It establishes procedures for safeguarding lives and property during emergencies in particular facilities.

Protection means the provisions of adequate measures for prevention and extinguishment of fires, special inspections to determine and eliminate fire and other hazards, and necessary guards to protect property against theft, vandalism, and unauthorized entry.

Public body means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the

Virgin Islands, or any political subdivision, agency, or instrumentality of the foregoing.

Qualified fire protection engineer means an individual with a thorough knowledge and understanding of the principles of physics and chemistry governing fire growth, spread, and suppression, meeting one of the following criteria:

(1) An engineer having an undergraduate or graduate degree from a college or university offering a course of study in fire protection engineering, fire protection engineering technology or fire safety engineering that is accredited by the Accreditation Board for Engineering and Technology or a similar accreditation, plus a minimum of 4 years work experience in fire protection engineering.

(2) A professional engineer (P.E. or similar designation) who has passed the Principles and Practice of Engineering examination in fire protection administered by the National Council of Examiners for Engineering and Surveying (NCEES).

(3) A P.E., or similar designation, licensed in a related engineering discipline and holding the grade of Professional Member in the Society of Fire Protection Engineers.

Real property means:

(1) Any interest in land, together with the improvements, structures, and fixtures located thereon (including prefabricated movable structures, such as Butler-type storage warehouses and Quonset huts, and house trailers with or without undercarriages), and appurtenances thereto, under the control of any Federal agency, except—

(i) The public domain;

(ii) Lands reserved or dedicated for national forest or national park purposes;

(iii) Minerals in lands or portions of lands withdrawn or reserved from the public domain that the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws;

(iv) Lands withdrawn or reserved from the public domain but not including lands or portions of lands so withdrawn or reserved that the Secretary of the Interior, with the concurrence of the Administrator of General Services, determines are not suitable for return to the public domain for disposition under the general public land laws because such lands are substantially changed in character by improvements or otherwise; and

(v) Crops when designated by such agency for disposition by severance and removal from the land.

(2) Improvements of any kind, structures, and fixtures under the control of any Federal agency when designated by such agency for disposition without the underlying land (including such as may be located on the public domain, on lands withdrawn or reserved from the public domain, on lands reserved or dedicated for national forest or national park purposes, or on lands that are not owned by the United States) excluding, however, prefabricated movable structures, such as Butler-type storage warehouses and Quonset huts, and house trailers (with or without undercarriages).

(3) Standing timber and embedded gravel, sand, or stone under the control of any Federal agency, whether designated by such agency for disposition with the land or by severance and removal from the land, excluding timber felled, and gravel, sand, or stone excavated by or for the Government prior to disposition.

Reasonable worst-case fire scenario means a combination of an ignition source, fuel items, and a building location likely to produce a fire that would have a significant adverse impact on the building and its occupants. The development of reasonable worst-case scenarios must include consideration of types and forms of fuels present (e.g., furniture, trash, paper, chemicals), potential fire ignition locations (e.g., bedroom, office, closet, corridor), occupant capabilities (e.g., awake, intoxicated, mentally or physically impaired), numbers of occupants, detection and suppression system adequacy and reliability, and fire department capabilities. A quantitative analysis of the probability of occurrence of each scenario and combination of events will be necessary.

Repairs means those additions or changes that are necessary for the protection and maintenance of property to deter or prevent excessive or rapid deterioration or obsolescence, and to restore property damaged by storm, flood, fire, accident, or earthquake.

Room of origin means an area of a building where a fire can be expected to start. Typically, the size of the area will be determined by the walls, floor, and ceiling surrounding the space. However, this could lead to unacceptably large areas in the case of open plan office space or similar arrangements. Therefore, the maximum allowable fire area should be limited to 200 m² (2000 ft²), including intervening spaces. In the case of residential units, an entire apartment occupied by one tenant could be considered as the room of origin to the extent it did not exceed the 200 m² (2000 ft²) limitation.

State means the fifty States, political subdivisions thereof, the District of Columbia, the Commonwealths of Puerto Rico and Guam, and the territories and possessions of the United States.

Tobacco product means any item made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product). Tobacco product does not mean any item specifically excluded by the Food, Drug, and Cosmetic Act, 21 U.S.C. 301 *et seq.*

Upon approval from GSA means when an agency either has a delegation of authority document from the Administrator of General Services or written approval from the Administrator or his/her designee before proceeding with a specified action.

§ 102–71.15 Deviation.

See §§ 102–2.60 through 102–2.110 of this chapter to request a deviation from the requirements of the real property policies in this part.

§ 102–71.20 Installing, repairing, and replacing sidewalks.

(a) In accordance with 40 U.S.C. 589, Federal agencies must comply with the real property policies governing the installation, repair and replacement of sidewalks around buildings, installations, properties, or grounds under the control of executive agencies and owned by the United States. The Federal Government must fund the cost of installing, repairing, and replacing sidewalks. Funds appropriated to the agency for installation, repair, and maintenance, generally, must be available for expenditure to accomplish the purposes of this subpart. Upon approval from GSA, Federal agencies may—

(1) Authorize the appropriate State or local government to install, repair and replace sidewalks, or arrange for this work, and reimburse them for this work; or

(2) Contract or otherwise arrange and pay directly for installing, repairing and/or replacing sidewalks.

(b) Federal agencies, giving due consideration to State and local standards and specifications for sidewalks, decide when to install, repair or replace a sidewalk. However, Federal agencies may prescribe other standards and specifications for sidewalks whenever necessary to achieve architectural harmony and maintain facility security.

§ 102–71.25 Fire Administration Authorization Act of 1992.

The Fire Administration Authorization Act of 1992 (Pub. L. 102–522) requires sprinklers or an equivalent level of safety in certain types of Federal employee office buildings, Federal employee housing units, and federally assisted housing units (15 U.S.C. 2227).

§ 102–71.30 Automatic sprinkler systems.

The performance objective of the automatic sprinkler system is that it must be capable of protecting human lives. Sprinklers must be capable of controlling the spread of fire and its effects beyond the room of origin. A functioning sprinkler system must activate prior to the onset of flashover.

§ 102–71.35 Equivalent level of safety analysis.

(a) The equivalent level of life safety analysis is to be performed by a qualified fire protection engineer. The analysis must include a narrative discussion of the features of the building structure, function, operational support systems and occupant activities that impact fire protection and life safety. Each analysis must describe potential reasonable worst case fire scenarios and their impact on the building occupants and structure. Specific issues that must be addressed include rate of fire growth, type and location of fuel items, space layout, building construction, openings and ventilation, suppression capability, detection time, occupant notification, occupant reaction time, occupant mobility, and means of egress.

(b) To be acceptable, the analysis must indicate that the existing or proposed safety systems in the building provide a period of time equal to or greater than the amount of time available for escape in a similar building complying with the Fire Administration Authorization Act. In conducting these analyses, the capability, adequacy, and reliability of all building systems impacting fire growth, occupant knowledge of the fire, and time required to reach a safety area will have to be examined. In particular, the impact of sprinklers on the development of hazardous conditions in the area of interest will have to be assessed.

(c) There are three options for establishing that an equivalent level of safety exists:

(1) In the first option, the margin of safety provided by various alternatives is compared to that obtained for a code-compliant building with complete sprinkler protection. The margin of safety is the difference between the available safe egress time and the

required safe egress time. Available safe egress time is the time available for evacuation of occupants to an area of safety prior to the onset of untenable conditions in occupied areas or the egress pathways. The required safe egress time is the time required by occupants to move from their positions at the start of the fire to areas of safety. Available safe egress times would be developed based on analysis of a number of assumed reasonable worst case fire scenarios including assessment of a code complying fully sprinklered building. Additional analysis would be used to determine the expected required safe egress times for the various scenarios. If the margin of safety plus an appropriate safety factor is greater for an alternative than for the fully sprinklered building, then the alternative should provide an equivalent level of safety.

(2) A second alternative is applicable for typical office and residential scenarios. In these situations, complete sprinkler protection can be expected to prevent flashover in the room of fire origin, limit fire size to no more than 1 megawatt (950 Btu/sec), and prevent flames from leaving the room of origin. The times required for each of these conditions to occur in the area of interest must be determined. The shortest of these three times would become the time available for escape. The difference between the minimum time available for escape and the time required for evacuation of building occupants would be the target margin of safety. Various alternative protection strategies would have to be evaluated to determine their impact on the times at which hazardous conditions developed in the spaces of interest and the times required for egress. If a combination of fire protection systems provides a margin of safety equal to or greater than the target margin of safety, then the combination could be judged to provide an equivalent level of safety.

(3) As a third option, other technical analysis procedures, as approved by the responsible agency head, can be used to show equivalency.

§ 102–71.40 Analytical and empirical tools available to support the life safety equivalency evaluation.

(a) Fire models and performance-based design methodologies such as those outlined in the Society of Fire Protection Engineers (SFPE) Engineering Guide to Performance-Based Fire Protection and the National Fire Protection Association (NFPA) 101 Life Safety Code must be used to support the life safety equivalency evaluation.

(b) If fire modeling is used as part of an analysis, an assessment of the

predictive capabilities of the fire models must be included. This assessment must be conducted in accordance with the SFPE Engineering Guide for Substantiating a Fire Model for a Given Application and the American Society for Testing and Materials “Standard Guide for Evaluating the Predictive Capability of Deterministic Fire Models” (ASTM E1355).

§ 102–71.45 Responsible party for determining the acceptability of each equivalent level of safety analysis.

The head of the agency, responsible for physical improvements in the facility or providing Federal assistance, or a designated representative will determine the acceptability of each equivalent level of safety analysis. The determination of acceptability must include a review of the fire protection engineer’s qualifications, the appropriateness of the fire scenarios for the facility, and the reasonableness of the assumed maximum probable loss. Agencies must maintain a record of each accepted equivalent level of safety analysis and provide copies to fire departments or other local authorities for use in developing pre-incident plans.

§ 102–71.50 Rent.

Rent is set in accordance with the GSA Pricing Desk Guide.

§ 102–71.55 Establishing an occupant emergency program.

The Designated Official (as defined in § 102–71.10) is responsible for developing, implementing and maintaining an Occupant Emergency Plan (as defined in § 102–71.10). The Designated Official’s responsibilities include establishing, staffing and training an Occupant Emergency Organization with agency employees. Federal agencies, upon approval from GSA, must assist in the establishment and maintenance of such plans and organizations.

§ 102–71.60 Occupant agencies are required to cooperate with the Designated Official in the implementation of the emergency plans and the staffing of the emergency organization.

All occupant agencies of a facility must fully cooperate with the Designated Official in the implementation of the emergency plans and the staffing of the emergency organization.

§ 102–71.65 Federal agency occupant emergency responsibilities.

Federal agencies, upon approval from GSA, must—

(a) Provide emergency program policy guidance;

(b) Review plans and organizations annually;

(c) Assist in training of personnel;

(d) Otherwise provide for the proper administration of Occupant Emergency Programs (as defined in § 102–71.10);

(e) Solicit the assistance of the lessor in the establishment and implementation of plans in leased space; and

(f) Assist the Occupant Emergency Organization (as defined in § 102–71.10) by providing technical personnel qualified in the operation of utility systems and protective equipment.

§ 102–71.70 Decision to activate the Occupant Emergency Organization.

The decision to activate the Occupant Emergency Organization must be made by the Designated Official, or by the designated alternate official. After normal duty hours, the senior Federal official present must represent the Designated Official or his/her alternates and must initiate action to cope with emergencies in accordance with the plans. The Designated Official must make a decision to activate the Occupant Emergency Organization based upon the best available information, including—

(a) An understanding of local tensions;

(b) The sensitivity of target agency(ies);

(c) Previous experience with similar situations;

(d) Advice from the Federal agency buildings manager;

(e) Advice from the appropriate Federal law enforcement official; and

(f) Advice from Federal, State, and local law enforcement agencies.

§ 102–71.75 Accomplishing occupant evacuation or relocation when there is immediate danger to persons or property, such as fire, explosion or the discovery of an explosive device (not including a bomb threat).

The Designated Official must initiate action to evacuate or relocate occupants in accordance with the plan by sounding the fire alarm system or by other appropriate means when there is immediate danger to persons or property, such as fire, explosion or the discovery of an explosive device (not including a bomb threat).

§ 102–71.80 Action the Designated Official must initiate when there is advance notice of an emergency.

The Designated Official must initiate appropriate action according to the plan when there is advance notice of an emergency.

§ 102–71.85 Portable heaters, fans, and other such devices.

Federal agencies are prohibited from operating portable heaters, fans, and other such devices in Government-controlled facilities unless authorized by the Federal agency buildings manager.

§ 102–71.90 Tobacco policy for interior space in Federal facilities.

(a) It is the policy of the executive branch to establish a tobacco product-free environment for Federal employees and members of the public visiting or using Federal facilities. The use of tobacco products is prohibited in all interior space owned, rented or leased by the executive branch of the Federal Government.

(b) This section applies to the judicial branch when it occupies space in buildings controlled by the executive branch. Furthermore, the Federal Chief Judge in a local jurisdiction may be deemed to be comparable to an agency head and may establish exceptions for Federal jurors and others as provided in § 102–71.95(d).

§ 102–71.95 Tobacco policy exceptions.

The tobacco policy in this subpart does not apply in—

(a) Any residential accommodation for persons voluntarily or involuntarily residing, on a temporary or long-term basis, in a building owned, leased or rented by the Federal Government;

(b) Portions of federally owned buildings leased, rented, or otherwise provided in their entirety to non-Federal parties;

(c) Places of employment in the private sector or in other non-Federal governmental units that serve as the permanent or intermittent duty station of one or more Federal employees; and

(d) Instances where an agency head establishes limited and narrow exceptions that are necessary to accomplish agency missions. Such exceptions must be in writing, approved by the agency head and, to the fullest extent possible, provide others protection from exposure to environmental impacts of tobacco products. Authority to establish such exceptions may not be delegated.

§ 102–71.100 Tobacco product restrictions applicable to outside areas under executive branch control.

Use of tobacco products is prohibited in courtyards and within twenty-five (25) feet of doorways and air intake ducts on outdoor space under the jurisdiction, custody, or control of GSA.

§ 102–71.105 Furnishing and installing signs concerning tobacco product restrictions.

Federal agency building managers are responsible for furnishing and installing suitable, uniform signs in the building, and in and around building entrance doorways and air intake ducts.

§ 102–71.110 Monitoring and controlling areas designated for tobacco products by an agency head.

Agency heads are responsible for monitoring and controlling areas designated by them under § 102–74.95(d) of this subchapter and identifying these areas with proper signage. Suitable, uniform signs must be furnished and installed by the occupant agency.

§ 102–71.115 When a State or local government has a tobacco product-free ordinance that is stricter than the tobacco policy for Federal facilities.

If the subject facility is federally owned, then Federal preemption principles apply and the Federal policy controls. If the subject facility is privately owned, then Federal tenants are subject to the provisions of the State or local ordinance, even in the federally leased space, if the State or local restrictions are more stringent than the Federal policy.

§ 102–71.120 Severability.

All provisions included in this part are separate and severable from one another. If any provision is stayed or determined to be invalid, it is GSA's intention that the remaining provisions will continue in effect.

Subpart B—Use of Federal Real Property To Assist the Homeless**§ 102–71.125 Definitions.**

Applicant means any eligible organization that has submitted an application to the Department of Health and Human Services to obtain use of a certain suitable property to assist the homeless.

Checklist or property checklist means the form developed by HUD for use by landholding agencies to report the information to be used by HUD in making determinations of suitability.

Classification means a property's designation as unutilized, underutilized, excess, or surplus.

Day means one calendar day, including weekends and holidays.

Eligible organization means a State or local government agency, or a private, non-profit organization that provides assistance to the homeless, and that is authorized under the State law in which the property is located to carry out the

activity for which it requests property and enter into an agreement with the Federal Government for use of property for the purposes of this part. Eligible organizations that are private, non-profit organizations interested in applying for suitable property must be tax exempt under section 501(c)(3) of the Internal Revenue Code at the time of application and remain tax exempt throughout the time the Federal Government retains a reversionary interest in the property.

Encumbrance means any non-approved use by a transferee or a third party that limits the full utilization of the transferred property, regardless of time period, and includes liens, easements, restrictive covenants, licenses, leases, mortgages, informal agreements, and unaddressed trespass.

Excess property means any property under the control of a Federal executive agency that the head of the agency determines is not required to meet the agency's needs or responsibilities, pursuant to 40 U.S.C. 524.

GSA means the General Services Administration.

HHS means the Department of Health and Human Services.

Homeless is defined in 42 U.S.C. 11302. This term is synonymous with “homeless individual” and “homeless person.”

HUD means the Department of Housing and Urban Development.

HUD website means a website maintained by HUD providing information about HUD, including any successor websites or technologies that are equally accessible and available to the public.

Landholding agency means the Federal department or agency with statutory authority to control property. For purposes of this subpart, the landholding agency is typically the Federal department or agency that had custody and accountability on behalf of the Federal Government, of a certain piece of property at the time that such property was reported to HUD for a suitability determination pursuant to 42 U.S.C. 11411.

Lease means an agreement in writing between either HHS for surplus property or landholding agencies for underutilized and unutilized properties and the applicant giving rise to the relationship of lessor and lessee for the use of Federal property for a term of at least one year under the conditions set forth in the lease document.

Non-profit organization means an organization recognized as a non-profit by the State in which the organization operates, no part of the net earnings of which inures to the benefit of any member, founder, contributor, or

individual; that has a voluntary board; that has an accounting system or has designated an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting procedures; and that practices nondiscrimination in the provision of assistance.

Permit means a license granted by a landholding agency to use unutilized or underutilized property for a specific amount of time, usually one year or less, under terms and conditions determined by the landholding agency. A permit does not grant to the recipient an estate in land or any interest in the property.

Property means real property consisting of vacant land or buildings, or a portion thereof, that is excess, surplus, or designated as unutilized or underutilized in surveys by the heads of landholding agencies conducted pursuant to 40 U.S.C. 524.

Related personal property means any personal property that is located on real property and is either an integral part of or useful in the operation of that property or is determined by GSA to be otherwise related to the property.

Representative of the homeless means a State or local government agency, or private nonprofit organization that provides, or proposes to provide, services to the homeless.

Screen means the process by which GSA surveys Federal executive agencies to determine if they have an interest in using excess Federal property to carry out a particular agency mission, and then surveys State, local, and non-profit entities, to determine if any such entity has an interest in using surplus Federal property to carry out a specific public use.

State means a State of the United States, and includes the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

Suitable property means that HUD has determined that a certain property satisfies the criteria listed in § 102–71.150.

Surplus property means any excess property not required by any Federal landholding agency for its needs or the discharge of its responsibilities, as determined by GSA.

Transfer document means a lease, deed, or permit transferring surplus, unutilized, or underutilized property.

Transferee means an eligible entity that acquires Federal property by lease, deed, or permit.

Underutilized means an entire property or portion thereof, with or without improvements which is used only at irregular periods or

intermittently by the accountable landholding agency for current program purposes of that agency, or which is used for current program purposes that can be satisfied with only a portion of the property.

Unsuitable property means that HUD has determined that a particular property does not satisfy the criteria in § 102–71.150.

Unutilized property means an entire property or portion thereof, with or without improvements, not occupied for current program purposes for the accountable executive agency or occupied in caretaker status only.

§ 102–71.130 Applicability.

(a) This subpart applies to Federal property that has been designated by Federal landholding agencies as unutilized, underutilized, excess, or surplus and is therefore subject to the provisions of title V of the McKinney Act, as amended (42 U.S.C. 11411).

(b) The following categories of properties are not subject to this subpart (regardless of whether they may be unutilized or underutilized):

(1) Buildings and property at military installations that were approved for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Pub. L. 101–510; 10 U.S.C. 2687 note) after October 25, 1994.

(2) Machinery and equipment not determined to be related personal property by the landholding agency or GSA or determined to be related personal property that the landholding agency or GSA chooses to dispose of separate from real property.

(3) Government-owned, contractor-operated machinery, equipment, land, and other facilities reported excess for sale only to the using contractor and subject to a continuing military requirement.

(4) Properties subject to special legislation directing a particular action.

(5) Properties subject to a court order that is binding on the Federal Government and, for any reason, precludes transfer for use to assist the homeless under the authority of 42 U.S.C. 11411.

(6) Property not subject to Federal Real Property Council reporting requirements in accordance with 40 U.S.C. 623(i).

(7) Mineral rights interests independent of surface rights.

(8) Air space interests independent of surface rights.

(9) Indian Reservation land subject to 40 U.S.C. 523.

(10) Property interests subject to reversion.

(11) Easements.

(12) Any building or fixture that is excess, or surplus, that is on land under the control of a landholding agency, where the underlying land is not excess or surplus.

(13) Property purchased in whole or in part with Federal funds if title to the property is not held by a Federal landholding agency as defined in this subpart.

§ 102–71.135 Collecting the information.

(a) *Canvass of landholding agencies.* On a quarterly basis, HUD will canvass each landholding agency to collect information about property described as unutilized, underutilized, excess or surplus in accordance with 40 U.S.C. 524; however, HUD will accept property information between canvasses. Each canvass will collect information on properties not previously reported, and about property reported previously where the status or classification of the property has changed, or improvements have been made to the property. HUD will request descriptive information on properties sufficient to make a reasonable determination, under the criteria described in this section, of the suitability of a property for use to assist the homeless. Landholding agencies must report property information to HUD using the property checklist developed by HUD for that purpose. Property checklists submitted in response to a canvass must be submitted to HUD within 25 days of receipt of the canvass.

(b) *Agency annual suitable property report.* By December 31 of each year, each landholding agency must notify HUD of the current availability status and classification of each property controlled by the agency that:

(1) Was included in a list of suitable properties published that year by HUD; and

(2) Remains available for application for use to assist the homeless or has become available for application during that year.

(c) *GSA inventory.* HUD will collect information, in the same manner as described in paragraph (a) of this section, from GSA regarding property that is in GSA's current inventory of excess or surplus property.

(d) *Change in status.* If the information provided on the property checklist changes subsequent to HUD's determination of suitability, including any improvements or other alterations to the physical condition of the land or the buildings on the property, and the property remains unutilized, underutilized, excess, or surplus, the landholding agency must submit a revised property checklist in response to

the next quarterly canvass. HUD will review for suitability and, if it differs from the previous determination, repost the property information on the HUD website. For example, property determined unsuitable due to extensive deterioration may have had improvements, or property determined suitable may subsequently be found to be extensively deteriorated.

§ 102–71.140 Suitability determination.

(a) *Suitability determination.* Within 30 days after the receipt of a completed property checklist from landholding agencies either in response to a quarterly canvass, or between canvasses, HUD will determine, using the criteria set forth in 24 CFR 581.6 whether a property is suitable for use to assist the homeless and report its determination to the landholding agency. Properties that are under lease, contract, license, or agreement by which a Federal agency retains a real property interest or which are scheduled to become unutilized or underutilized will be reviewed for suitability no earlier than six months prior to the expected date when the property will become unutilized or underutilized.

(b) *Scope of suitability.* HUD will determine the suitability of a property for use to assist the homeless without regard to any particular use.

(c) *Environmental information.* HUD will evaluate the environmental information contained in property checklists forwarded to HUD by the landholding agencies solely for the purpose of determining suitability of properties under the criteria in § 102–71.155.

(d) *Record of suitability determination.* HUD will assign an identification number to each property reviewed for suitability. HUD will maintain a public record of the following:

(1) The suitability determination for a particular piece of property, and the reasons for that determination; and

(2) The landholding agency's response to the determination pursuant to the requirements of § 102–71.155(a).

(e) *Property determined unsuitable.* Property that is reviewed by HUD under this section and that is determined unsuitable for use to assist the homeless may not be made available for any other purpose for 20 days after publication of a notice of unsuitability on the HUD website.

(f) *Procedures for appealing unsuitability determinations.* (1) To request review of a determination of unsuitability, a representative of the homeless must contact HUD, in writing, through the U.S. Mail, email, or the

HUD website, or such other method as HUD may require, within 20 days of publication of the notice of unsuitability.

(2) Requests for review of a determination of unsuitability may be made only by representatives of the homeless.

(3) The request for review must specify the grounds on which it is based, *i.e.*, HUD has improperly applied the criteria or HUD has relied on incorrect or incomplete information in making the determination (*e.g.*, that property is in a floodplain but not in a floodway).

(4) Upon receipt of a request to review a determination of unsuitability, HUD will notify the landholding agency or GSA that such a request has been made. The landholding agency or GSA shall have 20 days from receipt of the notice from HUD, or an extended period agreed to between HUD and the landholding agency or GSA, to provide any information pertinent to the review. The landholding agency or GSA must refrain from initiating disposal procedures until HUD has completed its reconsideration regarding unsuitability. If the landholding agency or GSA fails to meet the deadline, HUD will move forward with the appeal review with the property information it already has and information submitted in the appeal request provided by the representative of the homeless.

(i) HUD will act on all requests for review within 30 days of receipt of the landholding agency's or GSA's response, or, if the landholding agency or GSA failed to meet the deadline, within 30 days of such deadline, and will notify the representative of the homeless and the landholding agency or GSA in writing of its decision.

(ii) If a property is determined suitable as a result of the review, HUD will request the landholding agency's or GSA's determination of availability pursuant to § 102–71.115, upon receipt of which HUD will promptly publish the determination on the HUD website.

§ 102–71.145 Real property reported excess to GSA.

(a) Each landholding agency must submit a report to GSA of properties it determines excess. Each landholding agency must also provide a copy of HUD's suitability determination, if any, including HUD's identification number for the property.

(b) If a landholding agency reports an excess property to GSA that HUD has already determined to be suitable for use to assist the homeless, GSA will screen the property pursuant to paragraph (h) of this section and will

advise HUD of the availability of the property for use by the homeless as provided in paragraph (e) of this section. In lieu of the preceding sentence, GSA may submit a new checklist to HUD and follow the procedures in paragraphs (c) through (h) of this section.

(c) If a landholding agency reports an excess property to GSA that has not been reviewed by HUD for homeless assistance suitability, GSA will complete a property checklist, based on information provided by the landholding agency, and will forward this checklist to HUD for a suitability determination. This checklist will reflect any change in classification, such as from unutilized or underutilized to excess or surplus.

(d) Within 30 days after GSA's submission, HUD will advise GSA of the suitability determination.

(e) When GSA receives notification from HUD listing suitable excess properties, GSA will transmit a response to HUD within 45 days. GSA's response will include the following for each identified property:

(1) A statement that there is no other compelling Federal need for the property and, therefore, the property will be determined surplus; or

(2) A statement that there is further and compelling Federal need for the property (including a full explanation of such need) and that, therefore, the property is not presently available for use to assist the homeless.

(f) When GSA submits a checklist to HUD in accordance with paragraphs (b) and (c) of this section, the information regarding the availability of the property, as specified in paragraphs (e)(1) and (2) of this section, may be included with the checklist if it is known at the time of submittal.

(g) When a surplus property is determined as suitable, confirmed as available by GSA, and notice is published on the HUD website, GSA will concurrently notify HHS, State and local government units, and known homeless assistance providers that have expressed interest in the particular property, and other organizations, as appropriate, concerning suitable properties.

(h) Upon submission of a Report of Excess to GSA, GSA may screen the property for Federal use. In addition, GSA may screen State and local governmental units and eligible non-profit organizations to determine interest in the property in accordance with this part.

(i) The landholding agency will retain custody and accountability and will

protect and maintain any property that is reported excess to GSA.

§ 102–71.150 Suitability criteria.

(a) In general, properties will be determined suitable unless a property's characteristics include one or more of the following conditions:

(1) *Flammable or explosive hazards.* Property located less than an acceptable separation distance under the standards in 24 CFR part 51, subpart C (for additional guidance see HUD Guidebook "Siting of HUD-Assisted Projects Near Hazardous Facilities," or successor guidebook), from any stationary aboveground container or facility which stores, handles, or processes hazardous substances of an explosive or fire prone nature (excluding containers and facilities that are not hazards as defined in 24 CFR 51.201), unless HUD can determine during the review period based on information provided by the landholding agency that appropriate mitigating measures, as defined in 24 CFR 51.205, are already in place.

(2) *Coastal barriers.* Property located in a System Unit, as defined at 16 U.S.C. 3502(7), under the Coastal Barrier Resources Act, as amended (16 U.S.C. 3501 *et seq.*).

(3) *Site safety conditions.* Property with a documented and extensive condition(s) that represents a clear threat to personal physical safety or health. Such conditions may include, but are not limited to, significant contamination from hazardous substances, as defined by 42 U.S.C. 9601, periodic flooding, sinkholes, or landslides.

(b) In the cases in paragraphs (b)(1) through (4) of this section, properties will be determined unsuitable, unless the landholding agencies provide information to enable HUD to determine the property is suitable:

(1) *Inaccessible.* Property that is inaccessible, meaning that the property is not accessible by road (including property on small offshore islands) or is landlocked (*e.g.*, can be reached only by crossing private property and there is no established right or means of entry).

(2) *National security.* Property located in an area to which the general public is denied access in the interest of national security (*e.g.*, where a special pass or security clearance is a condition of entry to the property), unless there is an alternative method to gain access without compromising national security.

(3) *Runway clear zones.* Property located within a runway clear zone or a military airfield clear zone.

(4) *Floodway.* Property located in a floodway, unless only an incidental portion of the property is in the floodway and that incidental portion does not affect the use of the remainder of the property to assist the homeless.

§ 102–71.155 Determination of availability for suitable properties.

Within 45 days after receipt of notification from HUD pursuant to § 102–71.135(a) that a property has been determined to be suitable, each landholding agency or GSA must transmit to HUD a statement of one of the following:

(a) In the case of unutilized or underutilized property—

(1) An intention to declare the property excess;

(2) An intention to make the property available for use to assist the homeless; or

(3) The reasons why the property cannot be declared excess or made available for use to assist the homeless. The reasons given must be different from those listed as suitability criteria in § 102–71.150.

(b) In the case of excess property which has been reported to GSA—

(1) A statement that there is no compelling Federal need for the property, and, therefore, the property will be determined surplus; or

(2) A statement that there is a further and compelling Federal need for the property (including a full explanation of such need) and therefore, the property is not presently available for use to assist the homeless.

§ 102–71.160 Public notice of determination.

(a) No later than 15 days after the most recent 45-day period has elapsed for receiving responses from the landholding agencies or GSA regarding availability, HUD will post on the HUD website a list of all properties reviewed, including a description of the property, its address, and classification. The following designations will be made:

(1) Properties that are suitable and available.

(2) Properties that are suitable and unavailable.

(3) Properties that are suitable and to be declared excess.

(4) Properties that are unsuitable.

(b) HUD will establish and maintain a toll-free number for the public to obtain specific information about properties in paragraph (a) of this section.

(c) No later than 15 days after the most recent 45-day period has elapsed for receiving responses from the landholding agencies or GSA regarding

availability, HUD will transmit to the United States Interagency Council on Homelessness (USICH) a copy of the list of all properties in paragraph (a) of this section. The USICH will immediately distribute to all State and regional homeless coordinators area-relevant portions of the list. The USICH will encourage the State and regional homeless coordinators to disseminate this information widely.

(d) No later than February 15 of each year, HUD will publish in the **Federal Register** a list of all properties in the agency annual suitable property reports, reported to HUD pursuant to § 102–71.135(b).

(e) HUD will publish an annual list of properties determined suitable, but which agencies reported unavailable including the reasons such properties are not available.

§ 102–71.165 General policies of HHS.

(a) It is the policy of HHS to foster and assure maximum utilization of surplus property for homeless assistance purposes.

(b) Transfers may be made only to eligible organizations.

(c) Property will be requested for assignment only when HUD has made a final determination that the property is suitable for use to assist the homeless, GSA has determined it is available, and HHS has determined it is needed for homeless assistance purposes. The amount of real and related personal property to be transferred shall not exceed normal operating requirements of the applicant. Such property will not be requested for assignment unless it is needed at the time of application for homeless assistance purposes or will be so needed within the immediate or foreseeable future.

(d) Transfers by deed will be made only after the applicant's financial plan is approved and the applicant provides certification that the proposed program is permissible under all applicable State and local zoning restrictions, building codes, and similar limitations.

(e) In instances of noncompliance, transferees are provided an opportunity to cure the noncompliance pursuant to 45 CFR 12a.10.

§ 102–71.170 Expression of interest process.

(a) Properties published by HUD as suitable and available, pursuant to § 102–71.160, for application for use to assist the homeless shall not be available for any other purpose for a period of 30 days beginning on the date the list of properties is published on the HUD website. Any eligible organization interested in any underutilized,

unutilized, excess, or surplus property for use to assist the homeless must send HHS a written expression of interest in that property within 30 days after the property has been published on the HUD website.

(b) Although a property may be determined suitable by HUD, HUD's determination does not mean a property is necessarily fit for use for the purpose(s) stated in the application, nor does it guarantee subsequent conveyance or transfer of a property.

(c) If a written expression of interest to apply for suitable property for use to assist the homeless is received by HHS within the 30-day holding period, such property may not be made available for any other purpose until the date HHS or the appropriate landholding agency has completed action on the application submitted pursuant to that expression of interest.

(1) The expression of interest should identify the specific property, briefly describe the proposed use, include the name of the organization, and indicate whether it is a public body or a private, non-profit organization. The expression of interest must be sent to HHS by email, rpb@psc.hhs.gov, or by mail at the following address: Department of Health and Human Services, Program Manager, Federal Real Property Assistance Program, Real Estate Logistics and Operations, 5600 Fishers Lane, Rockville, Maryland 20852.

(2) HHS will notify the landholding agency (for unutilized and underutilized properties) or GSA (for excess and surplus properties) when an expression of interest has been received for a certain property.

(d) An expression of interest may be sent to and accepted by HHS any time after the 30-day holding period has expired only if the property remains available as determined by GSA or the landholding agency for application to assist the homeless. In such a case, an application submitted pursuant to this expression of interest may be approved for use by the homeless if:

(1) There are no pending applications or written expressions of interest made under any law for use of the property for any purpose; and

(2) In the case of excess or surplus property, GSA has not received a bona fide offer to purchase that property or advertised for the sale of the property by public auction.

§ 102-71.175 Application process and requirements.

(a) Upon receipt of an expression of interest, HHS will send an application packet to the interested entity. The application packet requires the

applicant to provide certain information, including the following—

(1) *Acquisition type.* The applicant must state whether it is requesting acquisition of the property by lease, deed, or permit. A lease of one year, extendable at HHS's discretion, with the concurrence of GSA or the landholding agency, may be granted when the applicant's initial application is approved and the applicant's final application outlining the applicant's financial plan is found to be otherwise reasonable based on the criteria in paragraph (a)(7) of this section, but either a change in zoning is required or the financial plan proposes to utilize Low-Income Housing Tax Credits or other funding sources that typically take longer to process than other forms of financing. Applicants that initially apply for transfer by lease or permit and subsequently request transfer by deed will follow the same bifurcated application process, including deadlines, contained in 42 U.S.C. 11411. Should an applicant wish to transition from acquisition by lease to acquisition by deed, HHS will issue a letter of commitment to a lessee indicating that, provided its application meets all application criteria, including securing of all necessary financing that complies with Federal Government requirements, HHS will issue a deed.

(2) *Description of the applicant organization.* The applicant must document that it satisfies the definition of an *eligible organization* as specified in § 102-71.125.

(3) *Description of the property desired.* The applicant must describe the listed property desired, including existing zoning. Applicants must certify that any modification(s) made to and use of the property will conform to all applicable building codes, and local use restrictions, or similar limitations. In accordance with GSA policy, determinations regarding parcelization are made prior to screening. Therefore, expressions of interest and applications for portions of listed properties will not be accepted.

(4) *Description of the proposed program.* The applicant must fully describe the proposed program and plan of use, including implementation plans.

(5) *Demonstration of need.* The applicant must demonstrate that the property is needed for homeless assistance purposes at the time of application and how the program will address the needs of the homeless population to be assisted. The applicant must demonstrate that it has an immediate need and ability to utilize all of the property for which it is applying.

(6) *Demonstrate that the property is suitable and adaptable for the proposed program and plan of use.* The applicant must fully explain why the property is suitable and describe what, if any, modification(s) will be made to the property before the program becomes operational.

(7) *Ability to finance and operate the proposed program.* If the applicant's initial application is approved, the applicant must set forth a reasonable plan to finance the approved program within 45 days of the initial approval. To be considered reasonable, the plan must, at a minimum:

(i) Specifically describe all anticipated costs and sources of funding for the proposed program, including any property modifications;

(ii) Be accompanied by supporting documentation which demonstrates that the proposed plan is likely to succeed;

(iii) Demonstrate that the applicant is ready, willing, able, and authorized to assume care, custody, and maintenance of the property;

(iv) Demonstrate that it has secured the necessary dedicated funds, or will obtain such funds, to carry out the approved proposed program and plan of use for the property, including administrative expenses incident to the transfer by deed, lease, or permit;

(v) Not diminish the value of the Federal Government's interest in the property nor impair the Federal Government's ability to revert and immediately dispose of the property free of any and all liens, encumbrances, or anything else which renders the property unmarketable. Deed transfers will only be made after an applicant demonstrates its financial plan adequately protects the Federal Government's interest in the property; and

(vi) Neither subject the Federal Government's interest in the property to foreclosure nor impose obligations (e.g., extended use agreements) on the Federal Government.

(8) *Compliance with non-discrimination requirements.* Each applicant under this part must certify in writing that it will comply with all requirements of Federal law and HHS policy, as amended, relating to non-discrimination, including the following: the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations at 24 CFR part 100; and, as applicable, Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR part 107; title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d to d-4) (Non-discrimination in Federally Assisted Programs) and implementing

regulations at 24 CFR part 1 and 45 CFR part 80; section 1557 of the Affordable Care Act and implementing regulations at 45 CFR part 92; the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) and implementing regulations at 24 CFR part 146 and 44 CFR part 91; and the prohibitions against discrimination against otherwise qualified individuals with disabilities under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8 and 45 CFR part 84. The applicant must maintain the required records to demonstrate compliance with all applicable Federal laws and HHS policies related to non-discrimination.

(9) *Insurance and indemnification.* The applicant must certify that it will insure the property against loss, damage, or destruction to protect the residual financial interest of the United States. The United States shall be named as an additional insured. Applicants must provide proof of insurance annually or upon request. Failure to maintain sufficient insurance may result in adverse action, including reversion of the property, at the discretion of HHS. In the event of a covered loss, the transferee must hold all insurance proceeds in trust and obtain written concurrence from HHS before disbursing the funds. Applicants, and all affiliated parties utilizing the property, as approved by HHS, must indemnify the United States and hold the United States harmless for all actions involving use of the property.

(10) *Historic preservation.* Where applicable, the applicant must provide information that will enable HHS to comply with Federal historic preservation requirements.

(11) *Environmental information.* The applicant must provide sufficient information to allow HHS to analyze the potential impact of the applicant's proposal on the environment, in accordance with the instructions provided with the application packet. HHS will assist applicants in obtaining any pertinent environmental information in the possession of HUD, GSA, or the landholding agency. However, the burden is on the applicant to submit sufficient documentation for analysis by HHS.

(12) *Local government notification.* The applicant must certify that it has notified the applicable unit of general local government responsible for sewer, water, police, and fire services, in writing, of its proposed program for the specific property and submit a copy of that written notification.

(13) *Zoning and local use restrictions.* An applicant requesting a deed must certify that it has consulted all State and local governmental entities that will have jurisdiction over the property and that the proposed use will comply with all applicable zoning and local use restrictions, including local building code requirements. An applicant that applies for a lease or permit is not required to comply with local zoning requirements, as long as the Federal Government retains ownership of the property. Deed transfers will only be made after the applicant has provided acceptable written proof that the proposed program is not in conflict with State or local zoning laws and restrictions, building codes, or similar limitations.

(b) *Scope of evaluations.* Due to the short time frame imposed by statute for evaluating applications, HHS's evaluation will, generally, be limited to the information contained in the application. It is therefore incumbent on applicants to provide thorough and complete applications.

(c) *Deadline for initial application.* An initial application must be received by HHS, at the email address in § 102–71.170(d)(1) or other address indicated by HHS, within 75 days after an expression of interest is received from a particular applicant for that property. Upon written request from the applicant, HHS may, in its discretion, grant extensions authorized by 42 U.S.C. 11411(e)(2)(A), provided that the appropriate landholding agency or GSA concurs with the extension.

(d) *Evaluation of initial application.* (1) Upon receipt of an initial application, HHS will review it for completeness, and, if incomplete and time permits, may, in its discretion, return it or ask the applicant to furnish any missing or additional required information prior to final evaluation of the initial application.

(2) HHS will evaluate each initial application within 10 days of receipt and will promptly advise the applicant of its decision. All initial applications will be reviewed on the basis of the following elements:

(i) *Services offered.* The extent and range of proposed services, such as meals, shelter, job training, and counseling.

(ii) *Need.* The demand for the program, the program's ability to satisfy unmet needs of the community, and the degree to which the available property will be fully utilized.

(iii) *Experience.* Demonstrated ability to provide the services, such as prior success in operating similar programs and recommendations attesting to that

fact by Federal, State, and local authorities.

(e) *Deadline and evaluation of final application.* (1) If HHS approves an initial application, HHS will notify the applicant and provide the applicant 45 days in which to provide a final application. The final application shall set forth a reasonable plan to finance, as specified in paragraph (a)(6) of this section, the approved program as set forth in the initial application. Applicants may not modify the approved initial application within its final application proposal.

(2) Upon receipt of the final application, HHS will make a determination within 15 days and notify the applicant.

(3) Unlike with initial applications, requests for extensions are not authorized by 42 U.S.C. 11411 and thus will not be considered for final applications.

(4) Applications are evaluated on a first-come, first-served basis. HHS will notify all organizations that have submitted expressions of interest for a particular property whether an earlier application received for that property has been approved.

(f) *Competing applications.* If HHS receives more than one final application simultaneously, HHS will evaluate all applications and make a determination based on each application's merit. HHS will rank approved applications based on the elements listed in paragraph (a) of this section, and notify the landholding agency, or GSA, as appropriate, of the approved applicant.

§ 102–71.180 Action on approved applications

(a) *Unutilized and underutilized properties.* (1) When HHS approves an application, it will notify the applicant and forward a copy of the application to the landholding agency. The landholding agency will execute the lease, or permit document, as appropriate, in consultation with the applicant.

(2) The landholding agency maintains the discretion to decide the following:

(i) The length of time the property will be available.

(ii) The terms and conditions of the lease or permit document (except that a landholding agency may not charge any fees or impose any costs).

(b) *Excess and surplus properties.* (1) When HHS approves an application, it will notify the applicant and request that GSA assign the property to HHS for transfer. Requests to GSA for the assignment of surplus property to HHS for homeless assistance purposes will be based on the following conditions:

(i) HHS has a fully approved application for the property;

(ii) The applicant is able, willing, and authorized to assume immediate care, custody, and maintenance of the property;

(iii) The applicant is able, willing and authorized to pay the administrative expenses incident to the transfer; and

(iv) The applicant has secured the necessary funds, or has demonstrated the ability to obtain such funds, to carry out the approved program of use of the property.

(2) Upon receipt of an acceptable assignment, HHS will execute the transfer document in accordance with the procedures and requirements set out in this subpart and any other terms and conditions HHS and GSA determine are appropriate or necessary. Custody and accountability of the property will remain throughout the lease term with the landholding agency (*i.e.*, the agency which initially reported the property as excess) and throughout the deed term with the transferee.

(3) Prior to assignment to HHS, GSA may consider other Federal uses and other important national needs in deciding the disposition of surplus property. Priority of consideration will normally be given to uses to assist the homeless. However, both GSA and HHS may consider any competing request for the property made under 40 U.S.C. 550 that is so meritorious and compelling that it outweighs the needs of the homeless.

(4) Whenever GSA or HHS decides in favor of a competing request over a request for property for homeless assistance, the agency making the decision will transmit to the appropriate committees of Congress an explanatory statement which details the need satisfied by conveyance of the surplus property, and the reasons for determining that such need was so meritorious and compelling as to outweigh the needs of the homeless.

§ 102–71.185 Surplus property transfer documents.

(a) Surplus property may be conveyed to eligible organizations pursuant to 40 U.S.C. 550(d) and 42 U.S.C. 11411, as amended, by lease or deed, at the applicant's discretion.

(b) Transfers of surplus property for homeless assistance purposes are in exchange for the transferee's agreement to fully utilize the property for homeless assistance purposes in accordance with the terms specified in the transfer document.

(c) A transfer of surplus property for homeless assistance purposes is subject to the disapproval of GSA within 30

days after notice is given to GSA of the proposed transfer.

(d) Surplus property transferred pursuant to this subpart will be disposed on an "as is, where is" basis without warranty of any kind except as may be stated in the transfer document.

(e) Unless excepted by GSA in its assignment, the disposal of property includes mineral rights associated with the surface estate.

(f) Transfers of surplus property under this subpart will be made with the following general terms and conditions:

(1) For the period provided in the transfer document, the transferee shall utilize all the surplus property it receives solely and continuously for the approved program and plan of use, in accordance with 42 U.S.C. 11411 and this subpart, except that:

(i) The transferee has 12 months from the date of transfer to place the surplus property into use, if HHS did not approve in writing, construction of new facilities or major renovation of the property when it approved the final application;

(ii) The transferee has 48 months from the date of transfer to place the surplus property into use, if the transferee proposes construction of new facilities or major renovation of the property and HHS approves it in writing at the time it approves the final application;

(iii) If the applicable time limitation is not met, the transferee shall either commence payments in cash to the Federal Government for each month thereafter during which the proposed use has not been implemented or take such other action as set forth at § 102–71.205 as is deemed appropriate by HHS. Such monthly payments shall be computed on the basis of the current fair market value of the property, as conveyed, at the time of the first payment and dividing it by 360 months. At HHS's discretion, the payment may be waived if the transferee makes a sufficient showing of continued progress to place the property into use or if an unforeseeable event occurs which prevents the property from being put into use within the applicable timeframe; and

(iv) HHS may permit use of surplus property at any time during the period of restriction by an entity other than the transferee in accordance with § 102–71.210.

(2) The transferee will not be permitted to encumber, or dispose of the property, or impair full utilization thereof, without the prior written authorization of HHS. In the event the property is encumbered, sold, or disposed of, or is used for any purposes other than those set forth in an

approved plan without the written consent of HHS, all revenues or the reasonable value of other benefits received by the transferee directly or indirectly from such use, as determined by HHS, will be considered to have been received and held in trust by the transferee for the account of the United States and will be subject to the direction and control of HHS. The provisions of this paragraph (f)(2) shall not impair or affect the rights reserved to the United States in paragraph (f)(8) of this section, or the right of HHS to impose conditions to its consent.

(3) The transferee will file with HHS such reports on its maintenance and use of the surplus property and any other reports or information deemed necessary by HHS.

(4) The transferee shall pay all administrative costs incidental to the transfer, including but not limited to—transfer taxes; surveys; appraisals; title search; the transferee's legal fees; recordation expenses, etc. The transferee is solely responsible for such costs and may not seek reimbursement from the Federal Government for any reason.

(5) The transferee shall protect, preserve, maintain, and repair the property to ensure that the property remains in as good a condition as when received.

(6) The transferee shall protect the residual financial interest of the United States in the surplus property by insurance or such other means as HHS directs.

(7) The transferee shall abide by all applicable Federal civil rights laws including those specified in the covenants and conditions contained in the transfer document, prohibiting the transferee from discriminating on the basis of, including but not limited to, race, color, national origin, religion, sex, familial status, or disability in the use of the property.

(8) In the event of noncompliance with any conditions of the deed as determined by HHS, whether caused by the legal or other inability of the transferee, its successors and assigns, to perform any of the obligations of the transfer document, the Federal Government has an immediate right of reentry thereon, and to cause all right, title, and interest in and to the property to revert to the United States, and the transferee shall forfeit all right, title, and interest in and to the property. In such event, transferee shall execute a quitclaim deed and take all other actions necessary to return the property to the United States within ninety (90) days of a written request from the Federal Government, extended only at

the discretion of the Federal Government. Transferee shall cooperate with the United States in the event of a reversion and agrees that the United States need not seek judicial intervention before exercising its right to revert, reenter, and reconvey the property.

(9) In the event title is reverted to the United States for noncompliance or voluntarily reconveyed to the United States, the transferee shall, at the option of HHS, be required to: reimburse the United States for the decrease in value of the property not due to market conditions, reasonable wear and tear, acts of God, or approved alterations completed by the transferee to adapt the property to the homeless use for which the property was transferred; and reimburse the United States for any costs incurred in reverting title to or possession of the property, including reasonable attorneys' fees.

(10) With respect to leased property, in the event of noncompliance with any of the conditions of the lease, as determined by HHS or the landholding agency, the right of occupancy and possession shall, at the option of HHS or the landholding agency, be terminated. In the event a leasehold is terminated by the United States for noncompliance or is voluntarily surrendered, the lessee shall be required, at the option of HHS, to reimburse the United States for the decrease in value of the property not due to market conditions, reasonable wear and tear, acts of God, or approved alterations completed by the lessee to adapt the property to the homeless use for which the property was leased. With respect to any termination of leasehold resulting from noncompliance, the United States, shall, in addition thereto, be reimbursed for such costs as may be incurred in recovering possession of the property, including reasonable attorneys' fees.

(11) Any other term or condition that HHS and GSA determine appropriate or necessary.

(12) With respect to surplus property transferred by deed, the terms and conditions including those in this paragraph (f), apply for a period of three hundred sixty (360) months of use in accordance with a program of use approved in writing by HHS. The three hundred sixty months (360) period may, in HHS's sole discretion, be extended or restarted in the event the property is not fully utilized or is retransferred to a successor entity. Expiration of the terms and conditions in this paragraph (f) does not release the transferee from continuing compliance, as appropriate, with any conditions that may run with

the land, *e.g.*, environmental conditions and/or historic preservation covenants. Such conditions will continue to be the responsibility of the transferee and successors.

(13) With respect to surplus property transferred by lease, the terms and conditions including those in this paragraph (f), extend for the entire initial lease and for any subsequent renewal periods, unless specifically excluded in writing by HHS.

(g) Related personal property may be transferred or leased as a part of the realty and in accordance with real property procedures.

(h) Transferees will be responsible for the protection and maintenance of the property during the time that they possess the property. Upon termination of the lease term or reversion of title to the United States, the transferee will be responsible for removing improvements made to the property if directed to by the United States and, in such event, will be responsible for restoration of the property or the costs associated with restoring the property. If improvements made by the transferee are not voluntarily removed by the transferee and the United States consents, they will become the property of the United States. If the United States does not consent, the transferee shall reimburse the United States for reasonable costs of removal. GSA or the landholding agency, as appropriate, will assume responsibility for protection and maintenance of a property when the lease terminates or title reverts.

(i) Transferees, by obtaining the written consent of HHS, may abrogate the restrictions set forth in paragraph (f) of this section for all or any portion of the property in accordance with the provisions of § 102–71.215.

§ 102–71.190 Unsuitable properties.

The landholding agency or GSA will defer action to dispose of properties determined unsuitable for homeless assistance for 20 days after the date that notice of a property is posted on the HUD website. HUD will inform landholding agencies or GSA if an appeal of an unsuitability determination is filed by a representative of the homeless pursuant to § 102–71.140(f). HUD will advise the agency to refrain from initiating disposal procedures until HUD has completed its reconsideration process regarding unsuitability. Thereafter, or if no appeal has been filed after 20 days, GSA or the appropriate landholding agency may proceed with disposal action in accordance with applicable law.

§ 102–71.195 Compliance with the National Environmental Policy Act of 1969 and other related acts (environmental impact).

(a) HHS, prior to making a final decision to convey or lease, or to amend, reform, or grant an approval or release with respect to a previous conveyance or lease of, surplus property for homeless purposes, will act in accordance with applicable provisions of the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966, the National Archeological Data Preservation Act, and other related acts. No lease to use surplus property shall allow the lessee to make, or cause to be made, any irreversible change in the conditions of said property, and no lease shall be employed for the purpose of delaying or avoiding compliance with the requirements of these Acts, unless approved by the United States.

(b) Applicants shall be required to provide such information as HHS deems necessary to make an assessment of the impact of the proposed Federal action on the human environment. Materials contained in the applicant's official request, responses to a standard questionnaire prescribed by HHS, as well as other relevant information, will be used by HHS in making said assessment.

(c) If the assessment reveals:

(1) That the proposed Federal action involved properties of historical significance which are listed, or eligible for listing, in the National Register of Historic Places; or

(2) That a more than insignificant impact on the human environment is reasonably foreseeable as a result of the proposed action; or

(3) That the proposed Federal action could result in irreparable loss or destruction of archeologically significant items or data, HHS will, except as provided for in paragraph (d) of this section, prepare and distribute, or cause to be prepared or distributed, such notices and statements and obtain such approvals as are required by the Acts cited in paragraph (a) of this section.

(d) If a proposed action involves other Federal agencies in a sequence of actions, or a group of actions, directly related to each other because of their functional interdependence, HHS may enter into and support a lead agency agreement to designate a single lead agency which will assume primary responsibility for coordinating the assessment of environmental effects of proposed Federal actions, preparing and distributing such notices and statements, or obtaining such approvals, as are required by the Acts cited in

paragraph (a) of this section. The procedures of the designated lead agency will be utilized in conducting the environmental assessment. In the event of disagreement between HHS and another Federal agency, HHS will reserve the right to abrogate the lead agency agreement with the other Federal agency.

§ 102–71.200 No applications approved.

(a) At the end of the 30-day holding period described in § 102–71.170(a), HHS will notify GSA, or the landholding agency, as appropriate, if an expression of interest has been received for a certain property. Where there is no expression of interest, GSA or the landholding agency, as appropriate, will proceed with disposal in accordance with applicable law.

(b) Upon notice from HHS that all applications have been disapproved, or if no initial applications have been received within 75 days after an expression of interest, or no final application has been received within 45 days after an approved initial application, disposal may proceed in accordance with applicable law.

§ 102–71.205 Utilization and enforcement.

(a) *Sanctions.* For instances of noncompliance relating to surplus property transfers, HHS may impose, after providing an opportunity to cure to the transferee, any or all of the following sanctions in its sole discretion, as applicable:

(1) Where property or any portion thereof was not used or is not being used for the purposes for which transferred, or is sold, leased or subleased, encumbered, disposed of, or used for purposes other than those in the approved program and plan of use, without the prior written consent of HHS, HHS may require the transferee to—

(i) Place the property into immediate use for an approved purpose and extend the period of restriction in the transfer document for an additional term as determined by HHS;

(ii) Hold in trust all revenues and the reasonable value of other benefits received by the transferee directly or indirectly from that use for the United States subject to the direction and control of HHS;

(iii) Return title to such property to the United States or to relinquish any leasehold interest therein;

(iv) Abrogate the conditions and restrictions of the transfer, as set forth in § 102–71.215;

(v) Make cash payments to the United States, as directed by HHS, equivalent to the current fair market rental value of

the surplus property, as transferred, for each month during which the program and plan of use has not been implemented and continues to not be implemented; or

(vi) Any other remedy that HHS determines appropriate or necessary.

(2) Where the transferee desires to place the property into temporary use to assist the homeless other than that for which the property was transferred, written approval from HHS must be obtained, and will be conditioned upon HHS's authority to permit the use and such terms as HHS may impose.

(3) If HHS or the landholding agency determines that a lessee or sublessee of a transferee is in noncompliance with a term or condition of the lease, or if the lessee voluntarily surrenders the premises, HHS may require termination of the lease and impose sanctions described in paragraph (a)(1) of this section, as appropriate.

(b) *Reversion.* When HHS recommends reversion of the property for noncompliance, HHS will seek GSA's concurrence. GSA will respond to HHS's concurrence request within 30 days of its receipt. If GSA concurs, GSA will work with HHS to complete the reversion of the property. If GSA does not concur to the reversion recommendation, GSA will issue, to HHS, a written determination: stating the reason(s) for the disapproval; and acknowledging that HHS has recommended reversion and, therefore, the property is no longer within HHS's Title V program. The Federal Government will implement a response to the noncompliance that is in its best interests.

§ 102–71.210 Other uses.

(a) A transferee may permit the use of all or a portion of the surplus property by another eligible entity as described in § 102–71.125 for homeless assistance purposes, only upon those terms and conditions HHS determines appropriate, if:

(1) The transferee submits a written request to HHS explaining the purpose of and need for another eligible entity's use of the property, program plan, and other relevant information requested by HHS;

(2) HHS determines that the proposed use would not substantially limit the program and plan of use by the transferee and that the use will not unduly burden the Federal Government;

(3) HHS's written consent is obtained by the transferee in advance;

(4) HHS approves the use instrument in advance and in writing;

(5) The transferee agrees to lengthen the period of restrictions as determined by HHS; and

(6) HHS advises GSA and there is no disapproval by GSA within thirty (30) days.

(b) A transferee that does not follow paragraph (a) of this section will be deemed to be not in compliance with the terms and conditions of the Title V program and subject to enforcement action, including reversion of the property.

§ 102–71.215 Abrogation.

(a) HHS may abrogate the conditions and restrictions in the transfer document if:

(1) The transferee submits to HHS a written request that HHS abrogate the conditions and restrictions in the transfer document as to all or any portion of the surplus property;

(2) HHS determines the terms and conditions of the proposed abrogation and determines that the proposed abrogation is in the best interest of the United States; and

(3) HHS transmits the abrogation request to GSA and there is no disapproval by GSA within 30 days after notice is given. If GSA disapproves, GSA will state, in writing, to HHS the reason(s) for the disapproval.

(b) HHS abrogates the conditions and restrictions in the transfer document only upon receipt of the appropriate consideration, including cash payment, to the United States, as directed by HHS, which is based on the formula contained in the transfer document, and any other terms and conditions HHS deems appropriate to protect the interest of the United States.

§ 102–71.220 Compliance inspections and reports.

Transferees are required to allow HHS to conduct compliance inspections and to submit such compliance reports and actions as are deemed necessary by HHS. At a minimum, the transferee will be required to submit an annual utilization report regarding the operation and maintenance of the property, including current images of the entire property and such information as HHS shall require.

§ 102–71.225 No right of administrative review for agency decisions.

There is no right to administrative review within HHS, including requests for reconsideration or appeal, of agency decisions on applications and other discretionary decisions.

§ 102–71.230 Waivers.

The Secretary of HUD may waive any requirement of this subpart (over which

the Secretary of HUD has jurisdiction) that is not required by law, whenever it is determined that undue hardship would result from applying the requirement, or where application of the requirement would adversely affect the purposes of the program. Each waiver will be in writing and will be supported by documentation of the pertinent facts and grounds. The Secretary periodically will publish notices of granted waivers on the HUD website.

§ 102–71.235 Severability.

Any provision of this subpart held to be invalid or unenforceable with respect to certain parties or circumstances shall be construed so as to continue to give the maximum effect to the provision permitted by law unless such holding is that the provision of this subpart is invalid and unenforceable in all circumstances, in which event the provision shall be severable from the remainder of this subpart and shall not affect the remainder thereof.

PARTS 102–72 and 102–73— [REMOVED AND RESERVED]

■ 14. Under the authority of 40 U.S.C. 121(c), remove and reserve parts 102–72 and 102–73.

■ 15. Revise part 102–74 to read as follows:

PART 102–74—FACILITY MANAGEMENT

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Conduct on Federal Property

Applicability

Sec.
102–74.365 To whom does this subpart apply?

Inspection

102–74.370 What items are subject to inspection by Federal agencies?

Admission to Property

102–74.375 What is the policy on admitting persons to Government property?

Preservation of Property

102–74.380 What is the policy concerning the preservation of property?

Conformity With Signs and Directions

102–74.385 What is the policy concerning conformity with official signs and directions?

Disturbances

102–74.390 What is the policy concerning disturbances?

Gambling

102–74.395 What is the policy concerning gambling?

Narcotics and Other Drugs

102–74.400 What is the policy concerning the possession and use of narcotics and other drugs?

Alcoholic Beverages

102–74.405 What is the policy concerning the use of alcoholic beverages?

Soliciting, Vending, and Debt Collection

102–74.410 What is the policy concerning soliciting, vending, and debt collection?

Posting and Distributing Materials

102–74.415 What is the policy for posting and distributing materials?

Photographs for News, Advertising, or Commercial Purposes

102–74.420 What is the policy concerning photographs for news, advertising, or commercial purposes?

Dogs and Other Animals

102–74.425 What is the policy concerning dogs and other animals on Federal property?

Breastfeeding

102–74.426 May a woman breastfeed her child in a Federal building or on Federal property?

Vehicular and Pedestrian Traffic

102–74.430 What is the policy concerning vehicular and pedestrian traffic on Federal property?

Explosives

102–74.435 What is the policy concerning explosives on Federal property?

Weapons

102–74.440 What is the policy concerning weapons on Federal property?

Nondiscrimination

102–74.445 What is the policy concerning discrimination on Federal property?

Penalties

102–74.450 What are the penalties for violating any rule or regulation in this subpart?

Impact on Other Laws or Regulations

102–74.455 What impact do the rules and regulations in this subpart have on other laws or regulations?

Appendix A to Part 102–74—Rules and Regulations Governing Conduct on Federal Property

Authority: 40 U.S.C. 121(c).

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Conduct on Federal Property

Applicability

§ 102–74.365 To whom does this subpart apply?

The rules in this subpart apply to all property under the authority of the

General Services Administration (GSA) and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of the rules and regulations in this subpart. Federal agencies must post the notice in appendix A to this part at each public entrance to each Federal facility.

Inspection

§ 102–74.370 What items are subject to inspection by Federal agencies?

Federal agencies may, at their discretion, inspect packages, briefcases and other containers in the immediate possession of visitors, employees or other persons arriving on, working at, visiting, or departing from Federal property. Federal agencies may conduct a full search of a person and the vehicle the person is driving or occupying upon his or her arrest.

Admission to Property

§ 102–74.375 What is the policy on admitting persons to Government property?

Federal agencies must—

(a) Except as otherwise permitted, close property to the public during other than normal working hours. In those instances where a Federal agency has approved the after-normal-working-hours use of buildings or portions thereof for authorized activities, Federal agencies must not close the property (or affected portions thereof) to the public;

(b) Close property to the public during working hours only when situations require this action to provide for the orderly conduct of Government business. The designated official under the Occupant Emergency Program may make such decision only after consultation with the buildings manager and the highest ranking representative of the law enforcement organization responsible for protection of the property or the area. The designated official is defined in § 102–71.10 of this chapter as the highest ranking official of the primary occupant agency, or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials; and

(c) When property or a portion thereof is closed to the public, restrict admission to the property, or the affected portion, to authorized persons who must register upon entry to the property and must, when requested, display Government or other identifying credentials to Federal police officers or other authorized individuals when entering, leaving or while on the property. Failure to comply with any of the applicable provisions is a violation of this subpart.

Preservation of Property

§ 102–74.380 What is the policy concerning the preservation of property?

All persons entering in or on Federal property are prohibited from—

- (a) Improperly disposing of rubbish on property;
- (b) Willfully destroying or damaging property;
- (c) Stealing property;
- (d) Creating any hazard on property to persons or things; or
- (e) Throwing articles of any kind from or at a building or climbing upon statues, fountains, or any part of the building.

Conformity With Signs and Directions

§ 102–74.385 What is the policy concerning conformity with official signs and directions?

Persons in and on property must at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the lawful direction of Federal police officers and other authorized individuals.

Disturbances

§ 102–74.390 What is the policy concerning disturbances?

All persons entering in or on Federal property are prohibited from loitering, exhibiting disorderly conduct, or exhibiting other conduct on property that—

- (a) Creates loud or unusual noise or a nuisance;
- (b) Unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots;
- (c) Otherwise impedes or disrupts the performance of official duties by Government employees; or
- (d) Prevents the general public from obtaining the administrative services provided on the property in a timely manner.

Gambling

§ 102–74.395 What is the policy concerning gambling?

(a) Except for the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and authorized by section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*), all persons entering in or on Federal property are prohibited from—

- (1) Participating in games for money or other personal property;
- (2) Operating gambling devices;
- (3) Conducting a lottery or pool; or
- (4) Selling or purchasing numbers tickets.

(b) This section is not intended to prohibit prize drawings for personal property at otherwise permitted functions on Federal property, provided that the game or drawing does not constitute gambling *per se*. *Gambling per se* means a game of chance where the participant risks something of value for the chance to gain or win a prize.

Narcotics and Other Drugs

§ 102–74.400 What is the policy concerning the possession and use of narcotics and other drugs?

Except in cases where the drug is being used as prescribed for a patient by a licensed physician, all persons entering in or on Federal property are prohibited from—

- (a) Being under the influence, using or possessing any narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines; or
- (b) Operating a motor vehicle on the property while under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines.

Alcoholic Beverages

§ 102–74.405 What is the policy concerning the use of alcoholic beverages?

Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.

Soliciting, Vending, and Debt Collection

§ 102–74.410 What is the policy concerning soliciting, vending, and debt collection?

All persons entering in or on Federal property are prohibited from soliciting alms (including money and non-monetary items) or commercial or political donations, vending merchandise of all kinds, displaying or distributing commercial advertising, or collecting private debts, except for—

- (a) National or local drives for funds for welfare, health, or other purposes as authorized by 5 CFR part 950 and sponsored or approved by the occupant agencies;
- (b) Concessions or personal notices posted by employees on authorized bulletin boards;

(c) Solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Pub. L. 95–454);

(d) Lessee, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under 40 U.S.C. 581(h). Public areas of GSA-controlled property may be used for other activities as approved per a written permit;

(e) Collection of non-monetary items that are sponsored or approved by the occupant agencies; and

(f) Commercial activities sponsored by recognized Federal employee associations and on-site child care centers.

Posting and Distributing Materials

§ 102–74.415 What is the policy for posting and distributing materials?

All persons entering in or on Federal property are prohibited from—

(a) Distributing free samples of tobacco products in or around Federal buildings, as mandated by section 636 of Public Law 104–52;

(b) Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on GSA-controlled property, except as authorized in § 102–74.410, or when these displays are conducted as part of authorized Government activities; and

(c) Distributing materials, such as pamphlets, handbills or flyers, unless conducted as part of authorized Government activities. This paragraph (c) does not apply to public areas of the property as defined in § 102–71.10 of this chapter. However, any person or organization proposing to distribute materials in a public area under this section must first obtain a permit from the building manager. Any such person or organization must distribute materials only in accordance with the written and approved permit provisions. Failure to comply with this paragraph (c) is a violation of this section.

Photographs for News, Advertising, or Commercial Purposes

§ 102–74.420 What is the policy concerning photographs for news, advertising, or commercial purposes?

Except where security regulations, rules, orders, or directives apply or a Federal court order or rule prohibits it, persons entering in or on Federal property may take photographs of—

(a) Space occupied by a tenant agency for non-commercial purposes only with the permission of the occupying agency concerned;

(b) Space occupied by a tenant agency for commercial purposes only with

written permission of an authorized official of the occupying agency concerned; and

(c) Building entrances, lobbies, foyers, corridors, or auditoriums for news purposes.

Dogs and Other Animals

§ 102–74.425 What is the policy concerning dogs and other animals on Federal property?

No person may bring dogs or other animals on Federal property for other than official purposes. However, a disabled person may bring a seeing-eye dog, a guide dog, or other animal assisting or being trained to assist that individual.

Breastfeeding

§ 102–74.426 May a woman breastfeed her child in a Federal building or on Federal property?

Yes. Public Law 108–199, section 629, division F, title VI (January 23, 2004), provides that a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

Vehicular and Pedestrian Traffic

§ 102–74.430 What is the policy concerning vehicular and pedestrian traffic on Federal property?

All vehicle drivers entering or while on Federal property—

(a) Must drive in a careful and safe manner at all times;

(b) Must comply with the signals and directions of Federal police officers or other authorized individuals;

(c) Must comply with all posted traffic signs;

(d) Must comply with any additional posted traffic directives approved by the GSA Regional Administrator, which will have the same force and effect as this section;

(e) Are prohibited from blocking entrances, driveways, walks, loading platforms, or fire hydrants; and

(f) Are prohibited from parking on Federal property without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, are subject to removal at the owner's risk and expense. Federal agencies may take as proof that a motor vehicle was parked in violation of this section or directives as *prima facie* evidence that the registered owner was responsible for the violation.

Explosives

§ 102–74.435 What is the policy concerning explosives on Federal property?

No person entering or while on Federal property may carry or possess explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes.

Weapons

§ 102–74.440 What is the policy concerning weapons on Federal property?

Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by 18 U.S.C. 930. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.

Nondiscrimination

§ 102–74.445 What is the policy concerning discrimination on Federal property?

Federal agencies must not discriminate by segregation or otherwise against any person or persons because of race, creed, religion, age, sex, color, disability, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided on the property.

Penalties

§ 102–74.450 What are the penalties for violating any rule or regulation in this subpart?

A person found guilty of violating any rule or regulation in this subpart while on any property under the charge and control of GSA shall be fined under title 18 of the United States Code, imprisoned for not more than 30 days, or both.

Impact on Other Laws or Regulations

§ 102–74.455 What impact do the rules and regulations in this subpart have on other laws or regulations?

No rule or regulation in this subpart may be construed to nullify any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated (40 U.S.C. 121 (c)).

Appendix A to Part 102–74—Rules and Regulations Governing Conduct on Federal Property

Federal Management Regulations

Title 41, Code of Federal Regulations, Part 102–74, Subpart C

Applicability (41 CFR 102–74.365).

The rules in 41 CFR part 102–74, subpart C, apply to all property under the authority of the U.S. General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of the rules and regulations in subpart C. Federal agencies must post the notice in appendix A to part 102–74 at each public entrance to each Federal facility.

Inspection (41 CFR 102–74.370).

Federal agencies may, at their discretion, inspect packages, briefcases and other containers in the immediate possession of visitors, employees or other persons arriving on, working at, visiting, or departing from Federal property. Federal agencies may conduct a full search of a person and the vehicle the person is driving or occupying upon his or her arrest.

Admission to Property (41 CFR 102–74.375). Federal agencies must—

(a) Except as otherwise permitted, close property to the public during other than normal working hours. In those instances where a Federal agency has approved the after-normal-working-hours use of buildings or portions thereof for authorized activities, Federal agencies must not close the property (or affected portions thereof) to the public;

(b) Close property to the public during working hours only when situations require this action to provide for the orderly conduct of Government business. The designated official under the Occupant Emergency Program may make such decision only after consultation with the buildings manager and the highest ranking representative of the law enforcement organization responsible for protection of the property or the area. The designated official is defined in 41 CFR 102–71.10 as the highest ranking official of the primary occupant agency, or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials; and

(c) When property or a portion thereof is closed to the public, restrict admission to the property, or the affected portion, to authorized persons who must register upon entry to the property and must, when requested, display Government or other identifying credentials to Federal police officers or other authorized individuals when

entering, leaving or while on the property. Failure to comply with any of the applicable provisions is a violation of 41 CFR 102–74.375.

Preservation of Property (41 CFR 102–74.380). All persons entering in or on Federal property are prohibited from—

- (a) Improperly disposing of rubbish on property;
- (b) Willfully destroying or damaging property;
- (c) Stealing property;
- (d) Creating any hazard on property to persons or things; and
- (e) Throwing articles of any kind from or at a building or the climbing upon statues, fountains, or any part of the building.

Conformity with Signs and Directions (41 CFR 102–74.385). Persons in and on property must at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the lawful direction of Federal police officers and other authorized individuals.

Disturbances (41 CFR 102–74.390). All persons entering in or on Federal property are prohibited from loitering, exhibiting disorderly conduct, or exhibiting other conduct on property that—

- (a) Creates loud or unusual noise or a nuisance;
- (b) Unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots;
- (c) Otherwise impedes or disrupts the performance of official duties by Government employees; or
- (d) Prevents the general public from obtaining the administrative services provided on the property in a timely manner.

Gambling (41 CFR 102–74.395). Except for the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and authorized by section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*), all persons entering in or on Federal property are prohibited from—

- (a) Participating in games for money or other personal property;
- (b) Operating gambling devices;
- (c) Conducting a lottery or pool; or
- (d) Selling or purchasing numbers tickets.

Narcotics and Other Drugs (41 CFR 102–74.400). Except in cases where the drug is being used as prescribed for a patient by a licensed physician, all persons entering in or on Federal property are prohibited from—

- (a) Being under the influence, using or possessing any narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines; or

- (b) Operating a motor vehicle on the property while under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines.

Alcoholic Beverages (41 CFR 102–74.405). Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.

Soliciting, Vending, and Debt Collection (41 CFR 102–74.410). All persons entering in or on Federal property are prohibited from soliciting alms (including money and non-monetary items) or commercial or political donations; vending merchandise of all kinds; displaying or distributing commercial advertising, or collecting private debts, except for—

- (a) National or local drives for funds for welfare, health or other purposes as authorized by 5 CFR part 950 and sponsored or approved by the occupant agencies;
- (b) Concessions or personal notices posted by employees on authorized bulletin boards;
- (c) Solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Public Law 95–454);

- (d) Lessee, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 581(h)). Public areas of GSA-controlled property may be used for other activities authorized in writing;

- (e) Collection of non-monetary items that are sponsored or approved by the occupant agencies; and

- (f) Commercial activities sponsored by recognized Federal employee associations and on-site child care centers.

Posting and Distributing Materials (41 CFR 102–74.415). All persons entering in or on Federal property are prohibited from—

- (a) Distributing free samples of tobacco products in or around Federal buildings, under Public Law 104–52, section 636;

- (b) Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on GSA-controlled property, except as authorized in 41 CFR 102–74.410, or when these displays are conducted as part of authorized Government activities; and

- (c) Distributing materials, such as pamphlets, handbills, or flyers, unless conducted as part of authorized Government activities. This prohibition does not apply to public areas of the property as defined in 41 CFR 102–71.10. However, any person or organization proposing to distribute materials in a public area under this section must first obtain a permit from the building manager. Any such person or organization must distribute materials only in accordance with the provisions of the permit. Failure to comply with those provisions is a violation of 41 CFR 102–74.415.

Photographs for News, Advertising, or Commercial Purposes (41 CFR 102–74.420). Except where security regulations, rules, orders, or directives apply or a Federal court order or rule prohibits it, persons entering in or on Federal property may take photographs of—

- (a) Space occupied by a tenant agency for non-commercial purposes only with the permission of the occupying agency concerned;

- (b) Space occupied by a tenant agency for commercial purposes only with written permission of an authorized official of the occupying agency concerned; and

- (c) Building entrances, lobbies, foyers, corridors, or auditoriums for news purposes.

Dogs and Other Animals (41 CFR 102–74.425). No person may bring dogs or other animals on Federal property for other than official purposes. However, a disabled person may bring a seeing-eye dog, a guide dog, or other animal assisting or being trained to assist that individual.

Breastfeeding (41 CFR 102–74.426). Public Law 108–199, section 629, division F, title VI (January 23, 2004), provides that a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

Vehicular and Pedestrian Traffic (41 CFR 102–74.430). All vehicle drivers entering or while on Federal property—

- (a) Must drive in a careful and safe manner at all times;

- (b) Must comply with the signals and directions of Federal police officers or other authorized individuals;

(c) Must comply with all posted traffic signs;

(d) Must comply with any additional posted traffic directives approved by the GSA Regional Administrator, which will have the same force and effect as 41 CFR 102–74.430;

(e) Are prohibited from blocking entrances, driveways, walks, loading platforms, or fire hydrants; and

(f) Are prohibited from parking on Federal property without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, are subject to removal at the owner's risk and expense. Federal agencies may take as proof that a motor vehicle was parked in violation of 41 CFR 102–74.430 or directives as *prima facie* evidence that the registered owner was responsible for the violation.

Explosives (41 CFR 102–74.435). No person entering or while on property may carry or possess explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes.

Weapons (41 CFR 102–74.440). Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by 18 U.S.C. 930. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.

Nondiscrimination (41 CFR 102–74.445). Federal agencies must not discriminate by segregation or otherwise against any person or persons because of race, creed, religion, age, sex, color, disability, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided on the property.

Penalties (41 CFR 102–74.450). A person found guilty of violating any rule or regulation in subpart C of this part while on any property under the charge and control of the U.S. General Services Administration shall be fined under title 18 of the United States Code, imprisoned for not more than 30 days, or both.

Impact on Other Laws or Regulations (41 CFR 102–74.455). No rule or regulation in 41 CFR part 102–74, subpart C, may be construed to nullify any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated (40 U.S.C. 121 (c)).

Warning—Weapons Prohibited

Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by 18 U.S.C. 930. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.

PARTS 102–75 THROUGH 102–83 AND 102–85 [REMOVED AND RESERVED]

■ 16. Under the authority of 40 U.S.C. 121(c), remove and reserve parts 102–75 through 102–83 and 102–85.

■ 17. Revise part 102–117 to read as follows:

PART 102–117—TRANSPORTATION MANAGEMENT

Subpart A—General

Sec.

102–117.5 Applicable entities and exemptions.

102–117.10 Definitions.

Subpart B—Acquiring Transportation or Related Services

102–117.15 Procurement options.

102–117.20 Procurement requirement.

102–117.25 Mandatory terms and conditions.

102–117.30 Rate reference.

102–117.35 Required shipping documents.

Subpart C—Other Laws

102–117.40 International transportation.

102–117.45 Exceptions.

102–117.50 Coastwise laws.

Subpart D—Shipping Categories

102–117.55 Procurement requirements.

102–117.60 Process.

102–117.65 Determine mode.

102–117.70 Property description.

102–117.75 Documentation.

102–117.80 Document reporting and retention.

102–117.85 Filing damage claims.

102–117.90 TSP's liability for HHG loss or damage claims.

102–117.95 Agency responsibilities after shipping HHG.

102–117.100 HAZMAT restrictions.

Subpart E—Transportation Service Provider (TSP) Performance

102–117.105 TSP performance expectations.

102–117.110 Corrective options.

102–117.115 Corrective option differences.

Subpart F—Representation Before Regulatory Body Proceedings

102–117.120 Appearance before a regulatory body.

102–117.125 Other assistance by GSA.

Authority: 31 U.S.C. 3726; 40 U.S.C. 121(c); 40 U.S.C. 501, *et seq.*; 46 U.S.C. 55305; 49 U.S.C. 40118.

Subpart A—General

§ 102–117.5 Applicable entities and exemptions.

(a) This part applies to all agencies and wholly owned Government corporations as defined in 5 U.S.C. 101, *et seq.*, and 31 U.S.C. 9101(3), unless exempt.

(b) Exemptions include:

(1) The Department of Defense in accordance with the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 501 *et seq.*).

(2) Uniformed service members, under title 37 of the United States Code, including the U.S. Coast Guard, National Oceanic and Atmospheric Administration, and the Public Health Service are exempt from the household goods shipping requirements in this part.

§ 102–117.10 Definitions.

The following definitions apply to this part:

Accessorial charges means charges that are applied to the base tariff rate or base contract of carriage rate.

Agency means a department, agency, and independent establishment in the executive branch of the Government as defined in 5 U.S.C. 101 *et seq.*, and a wholly owned Government corporation as defined in 31 U.S.C. 9101(3).

Best value means selecting the shipping option that offers the most benefit to the government considering mode, cost, reliability, and service quality.

Bill of lading (BOL), sometimes referred to as a commercial bill of lading, but includes a Government bill of lading (GBL), is a transportation document that can be issued by either the agency or the TSP. It serves multiple purposes as a receipt of goods, contract of carriage, and evidence of title. It also specifies contract terms and conditions, and is mandatory for all shipments. The TSP must comply with applicable Federal regulations, specifically this part and 41 CFR part 102–118.

Cargo preference is the legal requirement for all, or a portion of all, ocean-borne cargo that moves internationally to be transported on U.S. flag vessels.

Coastwise laws govern waterborne shipments between U.S. points or territories to ensure reliable service and maintain maritime readiness during war or national emergencies.

Consignee is the person or agent to whom freight or household goods are delivered.

Consignor, also referred to as the shipper, is the person or firm that ships

freight or household goods to a consignee.

Contract of carriage is a contract between the TSP and the agency to transport freight or household goods.

Debarment is an action to exclude a TSP, for a period of time, from providing services under a rate tender or any Federal Acquisition Regulation (FAR) contract.

Declared value means the actual value of cargo as declared by the agency for reimbursement purposes or to establish duties, taxes, or other customs fees.

Freight is property or goods transported as cargo.

Government bill of lading (GBL), Standard Form (SF) 1103, is a Government issued bill of lading.

Hazardous material (HAZMAT) is a substance or material the Secretary of Transportation determines to be an unreasonable risk to health, safety, and property when transported in commerce, and labels as hazardous under section 5103 of the Federal Hazardous Materials Transportation Law (49 U.S.C. 5103 *et seq.*). All such freight must be marked in accordance with applicable regulations and the carrier must be notified in advance.

Household goods (HHG) are the personal effects of Government employees and their dependents.

Mode is a method of transportation, such as rail, road, air, water, or pipeline.

Rate tender is an offer a TSP sends to an agency, containing service rates and charges.

Receipt is a written or electronic acknowledgment by the consignee or TSP as to when and where a shipment was received.

Suspension is an action taken by an agency to disqualify a TSP from receiving orders for certain services under a FAR contract or rate tender.

Transportation is the movement of goods and all related services, including the use of motor vehicles, vessels, warehouses, and necessary equipment, as well as associated activities such as storage, handling, packing, delivery, and receipt.

Transportation management is agency oversight of the physical movement of commodities, HHG, small packages, cargo and other freight from one location to another by a TSP including related services such as warehousing.

Transportation service provider (TSP) means any party, person, agent, or carrier that provides freight, household goods, or passenger transportation or related services to an agency.

U.S. flag air carrier is an air carrier holding a certificate issued by the United States under 49 U.S.C. 41102 (49 U.S.C. 40118).

U.S. flag vessel is a commercial vessel, registered and operated under the laws of the U.S., owned and operated by U.S. citizens, and used in commercial trade of the United States.

Subpart B—Acquiring Transportation or Related Services

§ 102–117.15 Procurement options.

Agency procurement options are:

- (a) Use a General Services Administration (GSA) tender of service:
- (1) Freight—Standard Tender of Service (STOS).
- (2) HHG—Household Goods Tender of Service (HTOS).
- (b) Issue a FAR contract if permitted by statute or authorized by GSA.
- (c) Using another agency's contract or rate tender if permitted by statute or if GSA has issued a delegation of authority allowing other agencies to use the rate tender or contract.
- (d) In consultation with GSA, negotiate a rate tender under a Federal transportation procurement statute, 49 U.S.C. 10721 or 13712.

§ 102–117.20 Procurement requirement.

GSA leverages the Federal Government's collective buying power to procure transportation services at reduced rates. It uses standardized agreements to ensure consistency and protect the government's interests. Therefore, agencies subject to this FMR part must select an option provided in § 102–117.15 to procure transportation.

§ 102–117.25 Mandatory terms and conditions.

All rate tenders and contracts must include, at a minimum, the following terms and conditions:

- (a) Charges cannot be prepaid.
- (b) Charges are not paid at time of delivery.
- (c) Interest shall accrue from the voucher payment date on overcharges made and shall be paid at the same rate in effect on that date as published by the Secretary of the Treasury according to the Debt Collection Act of 1982, 31 U.S.C. 3717.
- (d) To qualify for the rates specified in a rate tender filed under the provisions of the Federal transportation procurement statutes (49 U.S.C. 10721 or 13712), property must be shipped by or for the Government and the rate tender must indicate the Government is either the consignor or the consignee.
- (e) Using a rate tender for transportation in a cost-reimbursable contract, requires the following statement in the rate tender:

Transportation is for the (agency name), and the actual total transportation charges

paid to the transportation service provider by the consignor or consignee are to be reimbursed by the Government pursuant to cost reimbursable contract (number). This may be confirmed by contacting the agency representative at (name, address and telephone number).

(f) Other terms and conditions that may be specific to the agency or the shipment such as specialized packaging requirements or HAZMAT.

(g) The TSP must comply with all the conditions of the contract or tender and the appropriate requirements of this part and 41 CFR part 102–118.

§ 102–117.30 Rate reference.

Agencies must include the rate tender, tariff, or contract number on the BOL to ensure the BOL is correctly audited prior to payment.

§ 102–117.35 Required shipping documents.

Bills of lading and purchase orders are required to acquire freight, household goods shipments, and other transportation services.

Subpart C—Other Laws

§ 102–117.40 International transportation.

Federal law requires using U.S. flag carriers for international air and ocean shipments. Key statutes include:

- (a) Fly America Act (49 U.S.C. 40118)—requires use of U.S. air carriers when available.
- (b) Cargo Preference Act (46 U.S.C. 55305)—requires that at least 50% of U.S. Government-impelled ocean cargo be transported on U.S. flag vessels.

§ 102–117.45 Exceptions.

- (a) Fly-America Act. Shippers may use a foreign-flag carrier only when:
 - (1) No U.S. flag carrier service is available;
 - (2) Emergency or mission-critical time constraints require foreign service;
 - (3) A bilateral/multilateral air transport agreement permits it;
 - (4) Transportation costs are fully reimbursed by a third party; or
 - (5) Using a U.S. carrier would create an unreasonable safety risk, supported by appropriate agency documentation.
- (b) Detailed Fly America exemptions are published separately by GSA. Refer to GSA's Transportation Policy web page guidance for the latest criteria. See <https://www.gsa.gov/policy-regulations/policy/transportation-management-policy>.

(c) Maritime Administration (MARAD). See <https://www.maritime.dot.gov/ports/cargo-preference/cargo-preference> for exceptions and determinations of non-availability.

§ 102–117.50 Coastwise laws.

(a) Coastwise laws (46 U.S.C. chapter 551) require the use of U.S.-flag, coastwise-endorsement vessels for domestic water shipments between U.S. ports.

(b) For exceptions and further information, refer to regulations issued by the U.S. Customs and Border Protection (CBP) (19 CFR 4.80) and MARAD.

Subpart D—Shipping Categories**§ 102–117.55 Procurement requirements.**

Select a transportation method in § 102–117.15. (See Federal Travel Regulation (FTR), 41 CFR chapter 302, subchapter D, for additional information regarding HHG.)

§ 102–117.60 Process.

Use the following shipping process:

- (a) For shipments, it is required to—
 - (1) Identify what is being shipping;
 - (2) Decide if the cargo is HAZMAT, classified, or sensitive that may require special handling or placards;
 - (3) Select the most efficient and cost effective mode;
 - (4) Select an acquisition method from § 102–117.15;
 - (5) Consider all costs associated with the shipment including accessorial charges, surcharges, customs fees, etc.;
 - (6) Select the most efficient and economical TSP that gives the best value;
 - (7) Demonstrate no preferential treatment to any TSP when arranging for transportation services except on international shipments (International shipments must be given to United States registered commercial vessels and aircraft.);
 - (8) Prepare shipping documents; and
 - (9) Schedule pickup, ensure prompt delivery with a fully executed receipt, and oversee shipment.
- (b) For international shipments, follow all requirements of paragraph (a) of this section and international requirements in § 102–117.40.

§ 102–117.65 Determine mode.

Shipping urgency, origin, destination, and any special handling requirements determine which mode of transportation is selected. Each mode has unique requirements for documentation, liability, size, weight, and delivery time. HAZMAT, radioactive, and other specialized cargo may require special permits which may limit choices.

§ 102–117.70 Property description.

Describe property in enough detail for the TSP to determine the type of equipment or any special precautions necessary to move the shipment including, the cargo's declared value,

weight, volume, measurements, routing, hazardous cargo, or special handling designations.

§ 102–117.75 Documentation.

Shipping—

- (a) By land (domestic shipments), use a bill of lading;
- (b) By land (international shipments), use of the optional GBL is permitted but not required;
- (c) By ocean, use an ocean bill of lading, when suitable, along with the GBL (only for door-to-door movements); and
- (d) By air, use a bill of lading.

§ 102–117.80 Document reporting and retention.

- (a) Agencies must maintain all transportation documents in accordance with the General Records Schedules.
- (b) For all shipments subject to cargo preference laws a copy of the ocean carrier's bill of lading, showing all freight charges, must be sent to MARAD within 20 working days of the date of loading for shipments originating in the United States, the District of Columbia, its territories or possessions and within 30 working days for shipments originating outside the United States, the District of Columbia, its territories or possessions.

§ 102–117.85 Filing damage claims.

File a claim for loss or damage to property with the TSP. Refer to 41 CFR part 102–118 for more information regarding statutory time limits to file administrative claims or judicial actions against a TSP.

§ 102–117.90 TSP's liability for HHG loss or damage claims.

Regarding the TSP's liability for loss or damage claims, agencies must—

- (a) Advise employees on the limits of the TSP's liability for loss of and damage to their HHG so the employee may evaluate the need for added insurance;
- (b) Inform the employee about the procedures to file claims for loss and damage to HHG with the TSP; and
- (c) Counsel employees who have a loss or damage to their HHG that exceeds the amount recovered from a TSP on procedures for filing a claim against the Government for the difference. Agencies may compensate employees up to \$40,000 on claims for loss and damage under 31 U.S.C. 3721, 3723.

§ 102–117.95 Agency responsibilities after shipping HHG.

- (a) Each agency develops an evaluation survey for the employee to complete following the move.

(b) When using GSA's Centralized Household Goods Traffic Management Program (CHAMP), agencies must instruct the employee to complete their portion of the GSA Form 3080, Household Goods Carrier Evaluation Report, using the link provided by the TSP.

§ 102–117.100 HAZMAT restrictions.

The Secretary of Transportation prescribes regulations for the safe transport of HAZMAT in intrastate, interstate, and foreign commerce in 49 CFR parts 171 through 180. The Environmental Protection Agency also prescribes regulations on transporting HAZMAT in 40 CFR parts 260 through 266. International, State, and local government rules and regulations also apply to HAZMAT shipments.

Subpart E—Transportation Service Provider (TSP) Performance**§ 102–117.105 TSP performance expectations.**

Agencies are required to ensure that TSPs deliver consistent, satisfactory service that meets their transportation needs. At a minimum, monitor—

- (a) On-time delivery rates;
- (b) Accuracy of billing, including overcharges or undercharges;
- (c) Frequency of claims filed;
- (d) Shipment rejection rates; and
- (e) Responsiveness to shipment tracing requests.

§ 102–117.110 Corrective options.

Decisions regarding temporary nonuse, suspension, or debarment are made by the agency, following procedures outlined in the FAR in title 48 of the Code of Federal Regulations and other applicable regulations. Agencies must maintain records of these actions and notify relevant parties as required.

§ 102–117.115 Corrective option differences.

(a) *Temporary nonuse.* Temporarily excluding the TSP from receiving new shipments (agencywide).

(b) *Suspension.* Temporarily disqualifying the TSP from Government contracts pending investigation (Governmentwide).

(c) *Debarment.* Permanently disqualifying the TSP from Government contracts due to serious misconduct (Governmentwide).

Subpart F—Representation Before Regulatory Body Proceedings**§ 102–117.120 Appearance before a regulatory body.**

No executive agency may appear on its own behalf in any proceeding before

a transportation regulatory body, unless the Administrator of General Services delegates his or her authority under 40 U.S.C. 501(c)(1)(B) to the agency. Send a request, via email, with enough detail to explain the circumstances surrounding the need for a delegation of authority for representation to *GSA-OGP-Transportationpolicy@gsa.gov*.

§ 102–117.125 Other assistance by GSA.

(a) Oversees all public utilities used by the Federal Government including transportation. There are specific regulatory requirements a TSP must meet at the State level, such as the requirement to obtain a certificate of public convenience and necessity.

(b) Maintains a list of TSPs which meet certain criteria regarding insurance and safety and are approved by the Department of Transportation. Agencies must furnish GSA with an affidavit to determine if the TSP meets basic qualifications to protect the Government's interest. For further information email *transportation.programs@gsa.gov*.

(c) Represents agencies in negotiations with TSPs.

■ 18. Revise part 102–118 to read as follows:

PART 102–118—TRANSPORTATION PAYMENT AND AUDIT

Subpart A—General

Sec.

- 102–118.5 Objective.
- 102–118.10 Applicable entities.
- 102–118.15 Definitions.

Subpart B—Ordering and Paying for Transportation

- 102–118.20 Ordering transportation.
- 102–118.25 TSP billing.
- 102–118.30 Electronic payment processing.
- 102–118.35 Improper payments.
- 102–118.40 Payment procedures.
- 102–118.45 Billing and payment.
- 102–118.50 Government contractor issued charge cards.

Forms and Documents

- 102–118.55 Forms.
- 102–118.60 SF 1113.
- 102–118.65 GBL/GTR.
- 102–118.70 Other TDs.
- 102–118.75 Exceptions.
- 102–118.80 BOL mandatory terms.
- 102–118.85 Travel document mandatory terms.
- 102–118.90 Supplemental bills.
- 102–118.95 Prompt payment.

Subpart C—Billing Documents

- 102–118.100 Contract requirements.
- 102–118.105 TSP submissions.
- 102–118.110 BOL limitations.
- 102–118.115 Extra fees for the preparation and use of the GBL or GTR.
- 102–118.120 Final receipt.

Agency Responsibilities—GBLs and GTRs

- 102–118.125 Controlling GBL and GTR forms.

Subpart D—Audit of Transportation Services

- 102–118.130 Audit requirement.
- 102–118.135 Audit choices.
- 102–118.140 Audit program considerations.
- 102–118.145 Auditing methods.
- 102–118.150 Requirement to audit.
- 102–118.155 Records.
- 102–118.160 Billing adjustments.
- 102–118.165 Appeals process.
- 102–118.170 Disputes.
- 102–118.175 Agency certifying and disbursing officers.

Subpart E—Claims and Appeal Procedures

- 102–118.180 TSP files a claim.
- 102–118.185 TSP time limit to file a transportation claim.
- 102–118.190 Time limits on Government court claims against TSPs.
- 102–118.195 Interest on claims.
- 102–118.200 TSP files a claim against an agency.
- 102–118.205 Agency settles disputes.
- 102–118.210 Agency decision deadline.
- 102–118.215 Agency appeals a decision by the CBCA.
- 102–118.220 Debt collection rules.

TSP Filing Information and Requirements

- 102–118.225 Filing supplemental claims.
- 102–118.230 TSP challenges a statement of difference.
- 102–118.235 TSP disagrees with the agency's decision.
- 102–118.240 Appeals of a CBCA audit decision.
- 102–118.245 Agency appeals a CBCA prepayment audit decision.
- 102–118.250 Interest applicability.
- 102–118.255 Claim on collection actions.
- 102–118.260 CBCA time limits.

Authority: 31 U.S.C. 3726; 40 U.S.C. 121(c); 40 U.S.C. 501, *et seq.*; 46 U.S.C. 55305; 49 U.S.C. 40118.

Subpart A—General

§ 102–118.5 Objective.

The purpose of this part is to interpret statutes and other policies that assure that payment and payment mechanisms for agency transportation services are uniform and appropriate. This part communicates the policies clearly to agencies and transportation service providers (TSPs). (See § 102–118.15 for the definition of TSP.)

§ 102–118.10 Applicable entities.

This part applies to all agencies (including the Department of Defense (DoD)) and TSPs defined in § 102–118.15, and wholly owned Government corporations as defined in 31 U.S.C. 101, *et seq.*, and 31 U.S.C. 9101(3). Agencies are required to incorporate this part into their internal regulations.

§ 102–118.15 Definitions.

The following definitions apply to this part:

Agency means a department, agency, or instrumentality of the United States Government (31 U.S.C. 101).

Bill of lading (BOL), sometimes referred to as a commercial bill of lading, but includes a Government bill of lading (GBL), is a transportation document that can be issued by either the agency or the TSP. It serves multiple purposes as a receipt of goods, contract of carriage, and evidence of title. It also specifies contract terms and conditions, and is mandatory for all shipments. The TSP must comply with applicable Federal regulations, specifically 41 CFR part 102–117 and this part.

Civilian Board of Contract Appeals (CBCA) means an independent court within GSA that settles transportation payment claims disputes between Federal agencies and TSPs. For additional information on the CBCA see <https://www.cbca.gov/index.html>.

Claim means—

(1) Any demand by an agency upon a TSP for the payment of overcharges, ordinary debts, fines, penalties, administrative fees, special charges, and interest; or

(2) Any demand by the TSP for amounts not included in the original bill that the TSP believes an agency owes them. This includes amounts deducted or offset by an agency; amounts previously refunded by the TSP, which is believed to be owed; and any subsequent bills from the TSP resulting from a transaction that was audited by the agency.

Document reference number (DRN) means the unique number on a BOL, Government Transportation Request (GTR), or transportation ticket used to track the movement of shipments and individuals.

Electronic funds transfer (EFT) means any transfer of funds, other than transactions initiated by cash, check, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

Government bill of lading (GBL) means the transportation document used as a receipt of goods, evidence of title, and a contract of carriage for Government international shipments (see bill of lading (BOL) definition in this section).

Government contractor issued charge card means an individually billed travel card or an agency purchase card.

Government Transportation Request (GTR) (Optional Form (OF) 1169) means

a Government document used to procure passenger transportation services from a TSP. The document obligates the Government to pay for transportation services provided and is used when a Government contractor issued charge card is not accepted by the TSP.

Individually billed travel card means the charge card used by authorized individuals to pay for official travel and transportation related expenses for which the contractor bills the employee. This is different from a centrally billed account paying for official travel and transportation related expenses for which the agency is billed.

Offset means withholding money from a payment. In this part, money withheld refers to the funds owed a TSP that are not released by the agency but instead used to repay the Government for a debt incurred by the TSP.

Ordinary debt means an amount that a TSP owes an agency other than for the repayment of an overcharge. Ordinary debts include, but are not limited to, payments for transportation services ordered and not provided (including unused transportation tickets), duplicate payments, and amounts for which a TSP is liable because of loss and/or damage to property it transported.

Overcharge means those charges for transportation that exceed those applicable under the executed agreement for services such as BOL (including a GBL, contract, rate tender or a GTR).

Postpayment audit means an audit of transportation billing documents, and all related transportation documents after payment, to decide their validity, propriety, and conformity of rates with tariffs, quotations, agreements, contracts, or tenders. The audit process may also include subsequent adjustments and collection actions taken against a TSP by the Government (31 U.S.C. 3726).

Prepayment audit means an audit of transportation billing documents before payment to determine their validity, propriety, and conformity of rates with tariffs, quotations, agreements, contracts, or tenders (31 U.S.C. 3726).

Privately Owned Personal Property Government Bill of Lading means the agency transportation document used as a receipt of goods, evidence of title, and generally a contract of carriage. It is only available for the transportation of household goods. Use of this form is mandatory for the Department of Defense, but optional for other agencies.

Refund means the amount collected from outside sources for payments made in error, overpayment, or adjustments for previous amounts disbursed.

Standard Carrier Alpha Code (SCAC) is a unique code, typically two to four characters, used to identify transportation companies.

Statement of difference means a statement issued by an agency or its designated audit contractor during a prepayment audit when it has been determined that a TSP has billed the agency for more than the proper amount for the services. This statement tells the TSP the amount allowed and the basis for the proper charges. The statement also cites the applicable rate references and other data relied on for support. The agency issues a separate statement of difference for each transportation transaction. This can be an electronic process.

Supplemental bill means the bill for services that the TSP submits to the agency for additional payment of the services provided.

Taxpayer identification number (TIN) means the number required by the Internal Revenue Service to be used by the TSP in reporting income tax or other returns. For a TSP, the TIN is an employer identification number.

Transportation means service involved in the physical movement (from one location to another) of people, household goods, and freight by a TSP or a Third Party Logistics (3PL) entity for an agency, as well as activities directly relating to or supporting that movement. These activities are defined in 49 U.S.C. 13102.

Transportation audit is a thorough review and validation of transportation related documents and bills. The audit must examine the validity, propriety, and conformity of the charges or rates with tariffs, quotations, contracts, agreements, or tenders, as appropriate.

Transportation document (TD) means any executed document for transportation services, such as a BOL, a tariff, a tender, a contract, a GTR, invoices, paid invoices, any transportation bills, or other equivalent documents, including electronic documents.

Transportation payment is a payment made by an agency to a TSP for the movement of goods, people or transportation related services.

Transportation service provider (TSP) means any party, person, agent, or carrier that provides freight, household goods, or passenger transportation or related services to an agency.

Subpart B—Ordering and Paying for Transportation

§ 102–118.20 Ordering transportation.

Ordering methods are prescribed in 41 CFR part 102–117 for freight,

household goods, and small parcels. Ordering transportation for travel is prescribed in the Federal Travel Regulation in 41 CFR subtitle F.

§ 102–118.25 TSP billing.

The TSP shall bill the agency in accordance with the procedures prescribed in the ordering documents or agreement.

§ 102–118.30 Electronic payment processing.

Agencies must pay for transportation services via EFT, unless issued an exception by the Secretary of the Treasury (31 U.S.C. 3332, *et seq.*).

§ 102–118.35 Improper payments.

Agencies must correctly pay individual transportation invoices (see 31 U.S.C. 3351(4), *Improper Payment* definition).

§ 102–118.40 Payment procedures.

Agencies must establish administrative procedures that ensure the following conditions are met:

(a) Services rendered are paid in accordance with the terms and conditions and the agency must not overpay or underpay a transportation bill.

(b) A document of agreement signifying acceptance of the arrangements with terms and conditions is filed with the participating agency by the TSP.

(c) The terms and conditions are included in all transportation agreements and referenced on all transportation documents (TDs).

(d) Bills are only paid to the TSP listed on the BOL, and cannot be waived.

(e) All fees to be paid are detailed in the aggregate delivery costs.

(f) All payments are subject to applicable statutory limitations.

(g) Procedures (such as a unique numbering system) are established to prevent and detect duplicate payments, properly account for expenditures and discrepancy notices.

(h) All transactions are verified with any indebtedness list. On charge card transactions, agencies must consult any indebtedness list if the charge card contract provisions allow for it.

(i) Procedures are established to process any unused tickets.

§ 102–118.45 Billing and payment.

(a) Bills should be received electronically and must be paid via EFT (31 U.S.C. 3332).

(b) Agencies may use a Government contractor issued charge card to acquire and pay for transportation.

§ 102–118.50 Government contractor issued charge cards.

A Government contractor issued charge card:

- (a) May be used to acquire freight and small parcel transportation.
- (b) Must be used (except when a GTR is allowed) for passenger transportation.

Forms and Documents**§ 102–118.55 Forms.**

Agencies must use commercial payment practices and forms to the maximum extent possible; however, when viewed necessary by an agency, the agency may use the following Government forms to pay transportation bills—

- (a) Standard Form (SF) 1113, Public Voucher for Transportation Charges, and SF 1113–A, Memorandum Copy;
- (b) SF 1103, Government Bill of Lading (used for movement of things, both privately owned and Government property for official uses);
- (c) OF 1169, Government Transportation Request (used to pay for tickets to move people); and
- (d) Privately Owned Personal Property Government Bill of Lading (used by the Department of Defense to move private property for official transfers).

§ 102–118.60 SF 1113.

When an agency requires an SF 1113 to be submitted the TSP must include its TIN and SCAC.

§ 102–118.65 GBL/GTR.

Agencies are not required to issue a GBL or GTR and must use commercial payment practices to the maximum extent possible.

§ 102–118.70 Other TDs.

If an agency uses any other TDs for shipping under its account, required safeguards must be in place.

§ 102–118.75 Exceptions.

BOLs are not required to ship small parcels.

§ 102–118.80 BOL mandatory terms.

The mandatory terms and conditions governing the use of bills of lading are:

- (a) Unless otherwise permitted by statute and approved by the agency, the TSP may not demand prepayment or collect charges from the consignee. The TSP, providing service under the BOL, must present a legible copy of the BOL or an original, properly certified GBL attached to SF 1113 to the paying office for payment. An agency may choose not to require that an SF 1113 be attached to the BOL and invoice if the TSP submits invoices using the agency's

approved third-party payment system (TPPS).

- (b) The shipment must be made at the restricted or limited valuation specified in the tariff or classification or limited contract, arrangement or exemption at or under which the lowest rate is available, unless indicated on the BOL. (This is commonly referred to as an alternation of rates.)

(c) Receipt for the shipment is subject to the consignee's annotation of loss, damage, or shrinkage on the delivering TSP's documents and the consignee's copy of the same documents. If loss or damage is discovered after delivery or receipt of the shipment, the consignee must promptly notify the TSP and extend the privilege of examining the shipment.

(d) The rules and conditions governing commercial shipments for the time period within which notice must be given to the TSP, or a claim must be filed, or suit must be instituted, shall not apply if the shipment is lost, damaged or undergoes shrinkage in transit. Only with the written concurrence of the Government official responsible for making the shipment is the deletion of this item considered to be valid.

(e) Interest shall accrue from the voucher payment date on the overcharges made and shall be paid at the same rate in effect on that date as published by the Secretary of the Treasury pursuant to the Debt Collection Act of 1982 (31 U.S.C. 3717).

§ 102–118.85 Travel document mandatory terms.

The mandatory terms and conditions governing the use of passenger transportation documents are:

- (a) U.S. Government travel must be via the lowest cost available that meets travel requirements (e.g., Government contract, fare, through, excursion, or reduced one way or round trip fare).

(b) The U.S. Government is not responsible for charges exceeding those applicable to the type, class, or character authorized in transportation documents.

(c) The U.S. Government contractor issued charge card must be used to the maximum extent possible to procure passenger transportation tickets. GTRs must be used minimally.

(d) Government passenger transportation documents must be in accordance with Federal Travel Regulation in 41 CFR subtitle F.

(e) Interest shall accrue from the voucher payment date on overcharges made hereunder and shall be paid at the same rate in effect on that date as published by the Secretary of the

Treasury pursuant to the Debt Collection Act of 1982.

- (f) The TSP must insert on the TD any known dates on which travel commenced.

(g) The issuing official or traveler, by signature, certifies that the requested transportation is for official business.

(h) The TSP must not honor any request containing erasures or alterations unless the TD contains the authentic, valid initials of the issuing official.

§ 102–118.90 Supplemental bills.

Agencies must process, review, and verify supplemental billings using the same procedures as on an original billing. Disputes are managed in accordance with agency policy.

§ 102–118.95 Prompt payment.

Agencies must advise the TSP using a statement of difference of any adjustments made, either electronically or in writing, within 7 days of receipt of the bill, as required by the Prompt Payment Act (31 U.S.C. 3901, *et seq.*).

Subpart C—Billing Documents**§ 102–118.100 Contract requirements.**

When buying passenger transportation, agencies must reference the applicable contract on a GTR or passenger transportation document (e.g., ticket).

§ 102–118.105 TSP submissions.

For shipments bought on a TD, the TSP must submit an original properly certified BOL and, when appropriate, an SF 1113. The TSP must submit all documents to the agency paying office.

§ 102–118.110 BOL limitations.

An agency may only pay the TSP listed on the BOL and with whom it has a contract.

§ 102–118.115 Extra fees for the preparation and use of the GBL or GTR.

A TSP cannot bill the agency to prepare a BOL or travel documents and cannot bill at a higher rate than the agreement permits.

§ 102–118.120 Final receipt.

Final receipt occurs when the shipment is delivered and endorsed by the consignee or authorized designee.

Agency Responsibilities—GBLs and GTRs**§ 102–118.125 Controlling GBL and GTR forms.**

Agencies—

- (a) Are responsible for the physical control, use, and accountability of GBLs and GTRs and must have procedures in

place to track, manage, and account for these documents when necessary.

(b) Must assign each form a unique sequential tracking number.

(c) Must hold employees accountable for the issuance and use of the forms.

Subpart D—Audit of Transportation Services

§ 102–118.130 Audit requirement.

(a) Pursuant to 31 U.S.C. 3726, agencies are required to establish a program to audit all transportation bills.

(b) Agencies may perform either a prepayment or a post payment audit of transportation invoices.

§ 102–118.135 Audit choices.

Agencies may perform a prepayment audit, post payment audit, or both.

(a) Pre-payment audits focus on preventing overpayments by identifying invoice errors before payment. They help prevent overspending, ensure payments align with contracts, reduce administrative burdens, and strengthen carrier relationships by promoting transparency and accuracy.

(b) Post-payment audits, on the other hand, serve as a second line of defense after payments are made. They recover overcharges, uncover systemic issues and trends, and provide valuable data for negotiating better carrier contracts and optimizing freight processes through continuous improvement.

(c) Jointly, these audits form a complementary strategy: pre-payment audits minimize upfront errors and spending, while post-payment audits recover missed costs and drive long-term optimization. Combining both approaches enhances overall freight cost control and operational efficiency.

§ 102–118.140 Audit program considerations.

Agencies must:

(a) Consider the methods used to order and pay for passenger, household goods, small parcel, and freight transportation to include Government contractor-issued charge cards. Each method of ordering transportation and transportation services for passenger, household goods, and freight transportation may require a different kind of prepayment audit process.

(b) Ensure that each TSP bill or employee travel voucher contains enough information for the auditor to determine which contract or rate tender is used and the type and quantity of any additional services.

(c) Guarantee that the audit is not conducted by the same firm providing the transportation services for the agency. Furthermore, the auditor cannot be affiliated with or have a financial interest in the transportation company providing the services.

(d) Establish an appeals process for a TSP to appeal any reduction in the amount billed. It is recommended the agency establish an electronic appeal process that will direct TSP-filed appeals to an agency official for determination of the claim.

(e) Establish a separate appeals process for a TSP to appeal a post payment audit, if the agency performs a post payment audit.

(f) Develop policies and procedures outlining how the agency will adjudicate transportation payment claims.

(g) Create a unique agency numbering system to manage commercial paper, to assure that a transportation bill is not paid more than once, and to manage and track accountable GBLs and GTRs.

(h) Provide notification(s) to TSPs that include a detailed description of the reasons for any full or partial rejection of the stated charges on the invoice.

(i) Include a statement in a cost reimbursable contract that the contractor will submit any transportation invoice, with a cost exceeding \$100, to the agency to undergo a transportation payment audit in accordance with the agency's policy. Bills under \$100.00 shall be retained on-site by the contractor and made available for on-site Government audits.

§ 102–118.145 Auditing methods.

Agencies must choose a method auditing transportation invoices:

(a) Agencies are encouraged to consider using a third-party electronic payment processor for transportation invoice processing, payment, and prepayment audit.

(b) Create an internal prepayment audit program.

(c) Contract directly with a prepayment audit service provider.

(d) Use the services of a prepayment audit contractor under GSA's multiple award schedule covering audit services, including transportation prepayment audit services (541211 Auditing Services).

(e) Use a third-party payment system (TPPS) or charge card company that includes prepayment audit functions.

§ 102–118.150 Requirement to audit.

All transportation bills must undergo an audit unless the agency chooses to perform statistical sampling as established by the Comptroller General (31 U.S.C. 3521(b)).

§ 102–118.155 Records.

Agencies must properly maintain and store transportation records, including paid transportation bills, in accordance with the General Records Schedule 1.1 *et seq.* (36 CFR part 1220).

§ 102–118.160 Billing adjustments.

Agencies must notify the TSP of any adjustment to the TSP bill either electronically or in writing within seven calendar days of the agency receipt of the bill.

§ 102–118.165 Appeals process.

Agencies must establish an appeals process for a TSP to appeal any reduction in the amount billed. An agency must complete the review of the appeal and inform the TSP of the agency determination within 30 calendar days of the receipt of the appeal, either electronically or in writing.

§ 102–118.170 Disputes.

If a TSP disagrees with the agency action it can file a claim with the CBCA or Federal Claims court. Claims must be filed within 3 years of the payment.

§ 102–118.175 Agency certifying and disbursing officers.

Agency certifying and disbursing officers are liable for any overpayments as prescribed in 31 U.S.C. 3528 and 31 U.S.C. 3322 respectively.

Subpart E—Claims and Appeal Procedures

§ 102–118.180 TSP files a claim.

A TSP may file a transportation claim against an agency under 31 U.S.C. 3726 for—

(a) Amounts owed but not included in the original billing;

(b) Amounts deducted or set off by an agency that are disputed by the TSP; or

(c) Requests by a TSP for amounts previously refunded in error by that TSP.

§ 102–118.185 TSP time limit to file a transportation claim.

The time limits differ by mode as shown in the following table:

Mode	Time Limit	Statute
(a) Air (domestic & international), TSPs not otherwise specified.	6 years	28 U.S.C. 2401, 2501.
(b) Freight Forwarders, Motor, Rail, Water (subject to 49 U.S.C. ch. 135).	3 years	49 U.S.C. 14705(f), 49 U.S.C. 11705(f).
(c) Water (not subject to 49 U.S.C. ch. 135).	2 years	46 U.S.C. 30905.

§ 102–118.190 Time limits on Government court claims against TSPs.

Statutory time limits vary depending on the mode and the service applied:

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Mode	Freight charges	Refund for overpayment	Loss and damage
(a) Rail, Motor, Freight Forwarders, Water (under 49 U.S.C. ch. 135).	3 years. 49 U.S.C. 11705	3 years. 49 U.S.C. 11705	6 years. 28 U.S.C. 2415.
(b) Water (not subject to 49 U.S.C. chapter 135).	6 years. 28 U.S.C. 2415	3 years. 46 U.S.C. 41301	1 year; Carriage of Goods By Sea Act, 46 USC 30701 Notes.
(c) Domestic air.	6 years. 28 U.S.C. 2415	6 years. 28 U.S.C. 2415	6 years. 28 U.S.C. 2415.
(d) International air.	6 years. 28 U.S.C. 2415	6 years. 28 U.S.C. 2415	2 years. 49 U.S.C. 40105.
(e) All others not specified in paragraphs (a) through (d) of this section.	6 years. 28 U.S.C. 2415	6 years. 28 U.S.C. 2415	6 years. 28 U.S.C. 2415

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§ 102-118.195 Interest on claims.

Interest penalties under the Prompt Payment Act (31 U.S.C. 3901, *et seq.*) are not required when payment is delayed because of a dispute between an agency and a TSP.

§ 102-118.200 TSP files a claim against an agency.

A claim must be received by the agency where the claim arose within 3 years beginning the day after the latest of the following dates (except in time of war)—

- (a) Accrual of the cause of action;
- (b) Payment of charges for the transportation involved;

(c) Subsequent refund for overpayment of those charges; or

(d) Deductions made to a TSP claim by the Government under 31 U.S.C. 3726.

§ 102-118.205 Agency settles disputes.

Agencies must have procedures to resolve disputes with a TSP. Agency procedures must allow a TSP to appeal payment decisions.

§ 102-118.210 Agency decision deadline.

A TSP may file a claim with the CBCA if the agency fails to issue a decision on a claim within 30 days.

§ 102-118.215 Agency appeals a decision by the CBCA.

An agency may not appeal a CBCA decision.

§ 102-118.220 Debt collection rules.

Principles governing agency collection procedures for reporting debts to the Government Accountability Office (GAO) or the Department of Justice are found in 31 CFR chapter IX and in the GAO Policy and Procedures Manual for Guidance of Federal Agencies (<https://www.gao.gov/products/149099>).

TSP Filing Information and Requirements

§ 102–118.225 Filing supplemental claims.

A TSP may file a supplemental claim. Each supplemental claim must cover charges relating to one paid transportation document.

§ 102–118.230 TSP challenges a statement of difference.

A TSP may appeal an agency's denial of its challenge to the statement of difference. However, the appeal must be handled at a higher level within the agency.

§ 102–118.235 TSP disagrees with the agency's decision.

If the TSP disagrees with an agency's decision the TSP may file a claim with the CBCA or Federal Court of Claims.

§ 102–118.240 Appeals of a CBCA audit decision.

A ruling by the CBCA is the final administrative remedy available and the TSP has no statutory right of appeal. This subpart governs administrative actions only and does not affect any of the TSP's rights. A TSP may still pursue a legal remedy through the courts.

§ 102–118.245 Agency appeals a CBCA prepayment audit decision.

An agency may not appeal a prepayment audit decision. Agencies must follow the ruling of the CBCA.

§ 102–118.250 Interest applicability.

The Government can charge interest on an amount due from a TSP. This procedure is provided for within the Debt Collection Act (31 U.S.C. 3717), the Federal Claims Collection Standards (31 CFR chapter IX), and 41 CFR part 105–55.

§ 102–118.255 Claim on collection actions.

A TSP may file a claim in accordance with the Prompt Payment Act (31 U.S.C. 3901, *et seq.*) involving collection actions with the agency out of whose activities they arose.

§ 102–118.260 CBCA time limits.

The CBCA must receive a request for review from the TSP within six months (not including times of war) from the date the settlement action was taken or within the periods of limitation specified in 31 U.S.C. 3726, as amended, whichever is later. Details regarding where and how to file are available at cbca.gov/howto/rules/transportation.html#transportation.

■ 19. Revise part 102–192 to read as follows:

PART 102–192—MAIL MANAGEMENT

Sec.

102–192.5 Introduction.

102–192.10 Materials covered by this part.

102–192.15 Definitions.

Financial Requirements for All Agencies

102–192.20 Payment processes.

102–192.25 Managing mail expenditures.

Security Requirements for All Agencies

102–192.30 Security policies and plans.

102–192.35 Coordination with security providers.

Performance Measurement Requirements for All Agencies

102–192.40 Scope of performance measurement.

Agency Mail Manager Requirements

102–192.45 Agency mail managers.

102–192.50 Responsibilities of agency mail managers.

Authority: 44 U.S.C. 2901–2906.

§ 102–192.5 Introduction.

This part prescribes policy and requirements for the effective, economical, and secure management of incoming, internal, and outgoing mail and materials in Federal agencies.

§ 102–192.10 Materials covered by this part.

This part applies to all mail and materials that pass through a Federal mail center, including all incoming and outgoing materials.

§ 102–192.15 Definitions.

The following definitions apply to this part:

Agency mail manager means the person who manages the overall mail management program of a Federal agency.

Consolidation means the process of combining into a container two or more pieces of mail directed to the same addressee or installation on the same day.

Consolidation of facilities means the process of combining more than one mail center into a central location. The decision to consolidate should be based on a cost analysis comparing the projected cost savings to the cost of implementation.

Expedited mail means mail designated for overnight and 2- or 3-day delivery by service providers. Examples of *expedited mail* include Dalsey, Hillblom, Lynn (DHL); Federal Express (FedEx); United Parcel Service (UPS); and United States Postal Service (USPS) express mail.

Federal agency or *agency* as defined in 44 U.S.C. 2901(14) means—

(1) An executive agency, which includes:

(i) Any executive department as defined in 5 U.S.C. 101;

(ii) Any wholly owned Government corporation as defined in 31 U.S.C. 9101;

(iii) Any independent establishment in the executive branch as defined in 5 U.S.C. 104; and

(2) Any establishment in the legislative or judicial branch of the Government, except the Supreme Court, the Senate, the U.S. House of Representatives, the Architect of the Capitol, and any activities under the direction of the Architect of the Capitol.

Federal facility or *facility* means any office building, installation, base, etc., where Federal agency employees work. This includes any facility where the Federal Government pays postage expenses even though few or no Federal employees are involved in processing the mail.

Internal mail means mail generated within a Federal facility that is delivered within that facility or to a nearby facility of the same agency, so long as it is delivered by agency personnel.

Mail means that as described in § 102–192.10.

Mail center means an organization and/or place, within or associated with a Federal facility, where incoming and/or outgoing Federal mail and materials are processed.

Mail expenditures means direct expenses for postage, fees and services, and all other mail costs, meter fees, permit fees, etc. (e.g., payments to service providers, mail center personnel costs, mail center overhead).

Mail piece design means creating and printing items to be mailed so that they can be processed efficiently and effectively by USPS automated mail processing equipment.

Official mail means incoming or outgoing mail that is related to official business of the Federal Government.

Outgoing mail means mail generated within a Federal facility that is going outside that facility.

Personal mail means incoming or outgoing mail that is not related to official business of the Federal Government.

Postage means payment for delivery service that is affixed or imprinted to a mail piece usually in the form of a postage stamp, permit, imprint, or meter impression.

Presort means a mail preparation process used to receive a discounted mail rate by sorting mail according to USPS standards.

Program level means a component, bureau, regional office, and/or a facility that generates outgoing mail.

Service provider means any agency or company that delivers materials and mail. Some examples of service providers are DHL, FedEx, UPS, USPS, courier services, the U.S. Department of Defense, the U.S. Department of State's Office of Diplomatic Pouch and Mail, and other Federal agencies providing mail services.

Telework means a flexible work arrangement under which an employee performs assigned duties and responsibilities, and other authorized activities, from an approved alternate location.

Unauthorized use of agency postage means the use of penalty or commercial mail stamps, meter impressions, or other postage indicia for personal or unofficial use.

Financial Requirements for All Agencies

§ 102–192.20 Payment processes.

Agencies must pay the USPS and other service providers via a method approved by the U.S. Treasury.

§ 102–192.25 Managing mail expenditures.

All agencies must have an accountable system for making postage payments; that is, a system that allocates postage expenses at the program level within the agency and makes program level managers accountable for obligating and tracking those expenses. The agency's finance systems should track all mail expenditures separately to the program level or below, and should—

(a) Show expenses for postage and all other mail expenditures, payments to service providers, etc., separate from all other administrative expenses;

(b) Allow mail centers to establish systems to charge their customers for mail expenditures; and

(c) Identify and charge the mail expenditures that are part of printing contracts down to the program level.

Security Requirements for All Agencies

§ 102–192.30 Security policies and plans.

(a) Agencies must have a written mail security policy that applies throughout your agency.

(b) Agencies must have a written mail security plan for each facility that processes mail, regardless of the facility's mail volume.

(c) Agencies must have a security policy for employees receiving incoming and sending outgoing mail at an alternative worksite, such as a telework center.

(d) The scope and level of detail of each facility mail security plan should be commensurate with the size and

responsibilities of each facility. For small facilities, agencies may use a general plan for similar locations. For larger locations, agencies must develop a plan that is specifically tailored to the threats and risks at your location. Agencies should determine which facilities they consider small and large for the purposes of this section, so long as the basic requirements for a security plan are met at every facility.

(e) All mail managers are required to annually report the status of their mail security plans to agency headquarters. At a minimum, these reports should assure that all mail security plans comply with the requirements of this part, including annual review by a subject matter expert and regular rehearsal of responses to various emergency situations by facility personnel.

(f) A security professional who has expertise in mail center security should review the agency's mail security plan and policies annually to include identification of any deficiencies. Review of facility mail security plans can be accomplished by subject matter experts such as agency security personnel. If these experts are not available within your agency, seek assistance from the U.S. Postal Inspection Service (<https://postalinspectors.uspis.gov/>) or the Federal Protective Service (FPS) (<http://www.dhs.gov/federal-protective-service>).

§ 102–192.35 Coordination with security providers.

Agency mail managers must coordinate with their agency security service and/or the FPS or the U.S. Postal Inspection Service to develop agency mail security policies and plans. The FPS has developed standards for building construction and management, including standards for mail centers. At a minimum, the agency mail security plan must address the following topics:

- (a) Risk assessment;
- (b) A plan to protect staff and all other occupants of agency facilities from hazards that might be delivered in the mail;
- (c) Operating procedures;
- (d) A plan to provide a visible mail screening operation;
- (e) Training mail center personnel;
- (f) Testing and rehearsing responses to various emergency situations by agency personnel;
- (g) Managing threats;
- (h) Communications plan;
- (i) Occupant Emergency Plan;
- (j) Continuity of Operations Plan; and
- (k) Annual reviews of the agency's security plan.

Performance Measurement Requirements for All Agencies

§ 102–192.40 Scope of performance measurement.

Agencies must have performance measures for mail operations at the agency level and in all mail facilities and program levels.

Agency Mail Manager Requirements

§ 102–192.45 Agency mail managers.

Every agency, as defined in § 102–192.10, must have an agency mail manager at a managerial level that enables them to speak for their agency on mail management as outlined in this part.

§ 102–192.50 Responsibilities of agency mail managers.

In addition to carrying out the responsibilities discussed in § 102–192.45—

(a) Establish written policies and procedures to provide timely and cost effective dispatch and delivery of mail and materials;

(b) Ensure agency-wide awareness and compliance with standards and operational procedures established by all service providers used by the agency;

(c) Set policies for expedited mail, mass mailings, mailing lists, and couriers;

(d) Implement cost savings through:

(1) Consolidating and presorting wherever practical, for example, internal and external mail, and consolidation of agency-wide mail operations and official mail facilities; and

(2) Reducing the volume of agency to agency mail whenever possible;

(e) Develop and direct agency programs and plans for proper and cost effective use of transportation, equipment, and supplies used for mail;

(f) Ensure that all facility and program level mail personnel receive appropriate training and certifications to successfully perform their assigned duties;

(g) Promote professional certification for mail managers and mail center employees;

(h) Ensure that expedited mail service providers are used only when authorized by the Private Express Statutes, 39 U.S.C. 601–606;

(i) Establish written policies and procedures to minimize incoming and outgoing personal mail;

(j) Provide guidance to agency representatives who develop correspondence or design mailing materials including Business Reply Mail, letterhead, and mail piece design;

(k) Represent the agency in its relations with service providers, other

agency mail managers, and the General Services Administration's Office of Government-wide Policy;

(l) Ensure agency policy incorporates Federal hazardous materials requirements set forth in 49 CFR parts 100 through 185; and

(m) Ensure safety and security requirements specified in §§ 102–192.30 and 102–192.35 are fulfilled.

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Part IV

The President

Presidential Permit of December 10, 2025—Authorizing the General Services Administration To Modernize, Expand, and Continue To Operate and Maintain a Pedestrian and Vehicular International Border Crossing at the Lan Luis I Land Port of Entry

Executive Order 14365—Ensuring a National Policy Framework for Artificial Intelligence

Executive Order 14366—Protecting American Investors From Foreign-Owned and Politically-Motivated Proxy Advisors

Presidential Documents

Title 3—

Presidential Permit of December 10, 2025

The President

Authorizing the General Services Administration To Modernize, Expand, and Continue To Operate and Maintain a Pedestrian and Vehicular International Border Crossing at the Lan Luis I Land Port of Entry

By virtue of the authority vested in me as President of the United States of America (the “President”), I hereby grant permission, subject to the conditions set forth herein, to the General Services Administration (the “Permittee”), to modernize, expand, and continue to operate and maintain the pedestrian and vehicular crossing at the San Luis I Land Port of Entry located on the United States border with Mexico in San Luis, Arizona, as described in the “Application for Presidential Permit San Luis I Land Port of Entry by the United States General Services Administration” dated March 27, 2025 (the “Application”), by the Permittee to the Secretary of State, in accordance with 33 U.S.C. 535d and associated procedures.

The term “Border facilities” as used in this permit consists of the entire San Luis I Land Port of Entry located at 32°29′03.77463″ N 114°46′47.57786″ W, including new northbound traffic lanes and relocation of southbound traffic lanes, its approaches, and any land, structures, installations, or equipment appurtenant thereto located in San Luis, Arizona, on the United States side of the international boundary between the United States and Mexico.

This permit is subject to the following conditions:

Article 1. The Border facilities herein described and all aspects of their operation are subject to all the conditions, provisions, and requirements of this permit and any subsequent Presidential amendment to it. The construction, maintenance, and operation of the Border facilities shall be in all material respects as described in the Application.

Article 2. The standards for and the manner of construction, maintenance, and operation of the Border facilities are subject to inspection by the representatives of appropriate Federal, State, and local agencies. The Permittee shall grant officers and employees of such agencies that are duly authorized and performing their official duties free and unrestricted access to said Border facilities.

Article 3. The Permittee shall comply with all applicable Federal laws and regulations regarding the construction, maintenance, and operation of the Border facilities.

Article 4. (1) The Permittee shall take or cause to be taken all appropriate measures to mitigate adverse impacts on or disruption of the human environment in connection with the construction, maintenance, and operation of the Border facilities. Mitigation measures are those that avoid, minimize, or compensate for adverse impacts.

(2) The Permittee is responsible for obtaining any required Federal, State, and local permits, approvals, and authorizations prior to commencing construction activities. The Permittee shall implement the mitigation identified in any environmental decision documents prepared in accordance with the National Environmental Policy Act and Federal permits, including stormwater permits and permits issued in accordance with section 402 of the Clean Water Act (33 U.S.C. 1342). The Permittee shall comply with applicable Federal, State, and local environmental laws.

Article 5. The Permittee shall immediately notify the President or his designee of any decision to transfer custody and control of the Border facilities or any part thereof to any other executive department or agency (agency) of the United States Government. Said notice shall identify the transferee agency and seek the approval of the President for the transfer of the permit. In the event of approval by the President of such transfer, this permit shall remain in force and effect, and the Border facilities shall be subject to all the conditions, permissions, and requirements of this permit and any amendments thereof. The Permittee may transfer ownership or control of the Border facilities to a non-Federal entity or individual only upon the prior express approval of such transfer by the President, which approval may include such conditions, permissions, and requirements that the President, in the President's discretion, determines are appropriate and necessary for inclusion in the permit, to be effective on the date of transfer.

Article 6. The Permittee is responsible for ensuring its authority to build the Border facilities under State law as well as for acquiring and maintaining any right-of-way grants or easements, permits, and other authorizations as may become necessary or appropriate. To ensure the safe operation of the Border facilities, the Permittee shall maintain them and every part of them in a condition of good repair and in compliance with applicable law and use of best management practices.

Article 7. Before initiating construction, the Permittee shall obtain the concurrence of the United States Section of the International Boundary and Water Commission, United States and Mexico.

Article 8. The Permittee shall not initiate construction until the Department of State has provided notification to the Permittee that it has completed its exchange of diplomatic notes with the Government of Mexico regarding authorization. The Permittee shall provide written notification to the President or his designee at the time that the construction authorized by this permit begins, at the time as such construction is completed, interrupted, or discontinued, and at other times as may be requested by the President.

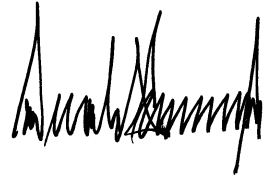
Article 9. Upon request, the Permittee shall provide appropriate information to the President or his designee with regard to the Border facilities. Such requests could include requests for information concerning current conditions, environmental compliance, mitigation, or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the Border facilities.

Article 10. The Permittee shall file any applicable statements and reports required by applicable Federal law in connection with the Border facilities.

Article 11. The Permittee shall make no substantial change inconsistent with the Application to the Border facilities, in the location of the Border facilities, or in the operation authorized by this permit, unless such changes have been approved by the President. The President may terminate, revoke, or amend this permit at any time at his sole discretion. The Permittee's obligation to implement any amendment to this permit is subject to the availability of funds. If the Permittee permanently closes the San Luis I Land Port of Entry and it is no longer used as an international crossing, then this permit shall terminate, and the Permittee may manage, utilize, or dispose of the Border facilities in accordance with applicable authorities. This permit shall continue in full force and effect for only so long as the Permittee continues the operations hereby authorized.

Article 12. This permit 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.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of December, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and fiftieth.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the lower right quadrant of the page.

Presidential Documents

Executive Order 14365 of December 11, 2025

Ensuring a National Policy Framework for Artificial Intelligence

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. United States leadership in Artificial Intelligence (AI) will promote United States national and economic security and dominance across many domains. Pursuant to Executive Order 14179 of January 23, 2025 (Removing Barriers to American Leadership in Artificial Intelligence), I revoked my predecessor's attempt to paralyze this industry and directed my Administration to remove barriers to United States AI leadership. My Administration has already done tremendous work to advance that objective, including by updating existing Federal regulatory frameworks to remove barriers to and encourage adoption of AI applications across sectors. These efforts have already delivered tremendous benefits to the American people and led to trillions of dollars of investments across the country. But we remain in the earliest days of this technological revolution and are in a race with adversaries for supremacy within it.

To win, United States AI companies must be free to innovate without cumbersome regulation. But excessive State regulation thwarts this imperative. First, State-by-State regulation by definition creates a patchwork of 50 different regulatory regimes that makes compliance more challenging, particularly for start-ups. Second, State laws are increasingly responsible for requiring entities to embed ideological bias within models. For example, a new Colorado law banning "algorithmic discrimination" may even force AI models to produce false results in order to avoid a "differential treatment or impact" on protected groups. Third, State laws sometimes impermissibly regulate beyond State borders, impinging on interstate commerce.

My Administration must act with the Congress to ensure that there is a minimally burdensome national standard—not 50 discordant State ones. The resulting framework must forbid State laws that conflict with the policy set forth in this order. That framework should also ensure that children are protected, censorship is prevented, copyrights are respected, and communities are safeguarded. A carefully crafted national framework can ensure that the United States wins the AI race, as we must.

Until such a national standard exists, however, it is imperative that my Administration takes action to check the most onerous and excessive laws emerging from the States that threaten to stymie innovation.

Sec. 2. Policy. It is the policy of the United States to sustain and enhance the United States' global AI dominance through a minimally burdensome national policy framework for AI.

Sec. 3. AI Litigation Task Force. Within 30 days of the date of this order, the Attorney General shall establish an AI Litigation Task Force (Task Force) whose sole responsibility shall be to challenge State AI laws inconsistent with the policy set forth in section 2 of this order, including on grounds that such laws unconstitutionally regulate interstate commerce, are preempted by existing Federal regulations, or are otherwise unlawful in the Attorney General's judgment, including, if appropriate, those laws identified pursuant to section 4 of this order. The Task Force shall consult from time to time with the Special Advisor for AI and Crypto, the Assistant

to the President for Science and Technology, the Assistant to the President for Economic Policy, and the Assistant to the President and Counsel to the President regarding the emergence of specific State AI laws that warrant challenge.

Sec. 4. *Evaluation of State AI Laws.* Within 90 days of the date of this order, the Secretary of Commerce, consistent with the Secretary's authorities under 47 U.S.C. 902(b), shall, in consultation with the Special Advisor for AI and Crypto, the Assistant to the President for Economic Policy, the Assistant to the President for Science and Technology, and the Assistant to the President and Counsel to the President, publish an evaluation of existing State AI laws that identifies onerous laws that conflict with the policy set forth in section 2 of this order, as well as laws that should be referred to the Task Force established pursuant to section 3 of this order. That evaluation of State AI laws shall, at a minimum, identify laws that require AI models to alter their truthful outputs, or that may compel AI developers or deployers to disclose or report information in a manner that would violate the First Amendment or any other provision of the Constitution. The evaluation may additionally identify State laws that promote AI innovation consistent with the policy set forth in section 2 of this order.

Sec. 5. *Restrictions on State Funding.* (a) Within 90 days of the date of this order, the Secretary of Commerce, through the Assistant Secretary of Commerce for Communications and Information, shall issue a Policy Notice specifying the conditions under which States may be eligible for remaining funding under the Broadband Equity Access and Deployment (BEAD) Program that was saved through my Administration's "Benefit of the Bargain" reforms, consistent with 47 U.S.C. 1702(e)–(f). That Policy Notice must provide that States with onerous AI laws identified pursuant to section 4 of this order are ineligible for non-deployment funds, to the maximum extent allowed by Federal law. The Policy Notice must also describe how a fragmented State regulatory landscape for AI threatens to undermine BEAD-funded deployments, the growth of AI applications reliant on high-speed networks, and BEAD's mission of delivering universal, high-speed connectivity.

(b) Executive departments and agencies (agencies) shall assess their discretionary grant programs in consultation with the Special Advisor for AI and Crypto and determine whether agencies may condition such grants on States either not enacting an AI law that conflicts with the policy of this order, including any AI law identified pursuant to section 4 or challenged pursuant to section 3 of this order, or, for those States that have enacted such laws, on those States entering into a binding agreement with the relevant agency not to enforce any such laws during the performance period in which it receives the discretionary funding.

Sec. 6. *Federal Reporting and Disclosure Standard.* Within 90 days of the publication of the identification specified in section 4 of this order, the Chairman of the Federal Communications Commission shall, in consultation with the Special Advisor for AI and Crypto, initiate a proceeding to determine whether to adopt a Federal reporting and disclosure standard for AI models that preempts conflicting State laws.

Sec. 7. *Preemption of State Laws Mandating Deceptive Conduct in AI Models.* Within 90 days of the date of this order, the Chairman of the Federal Trade Commission shall, in consultation with the Special Advisor for AI and Crypto, issue a policy statement on the application of the Federal Trade Commission Act's prohibition on unfair and deceptive acts or practices under 15 U.S.C. 45 to AI models. That policy statement must explain the circumstances under which State laws that require alterations to the truthful outputs of AI models are preempted by the Federal Trade Commission Act's prohibition on engaging in deceptive acts or practices affecting commerce.

Sec. 8. *Legislation.* (a) The Special Advisor for AI and Crypto and the Assistant to the President for Science and Technology shall jointly prepare a legislative recommendation establishing a uniform Federal policy framework for AI that preempts State AI laws that conflict with the policy set forth in this order.

(b) The legislative recommendation called for in subsection (a) of this section shall not propose preempting otherwise lawful State AI laws relating to:

- (i) child safety protections;
- (ii) AI compute and data center infrastructure, other than generally applicable permitting reforms;
- (iii) State government procurement and use of AI; and
- (iv) other topics as shall be determined.

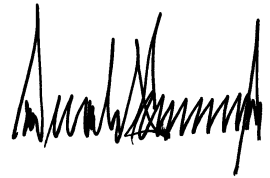
Sec. 9. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (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 Commerce.



THE WHITE HOUSE,
December 11, 2025.

Presidential Documents

Executive Order 14366 of December 11, 2025

Protecting American Investors From Foreign-Owned and Politically-Motivated Proxy Advisors

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. Unbeknownst to many Americans, two foreign-owned proxy advisors, Institutional Shareholder Services Inc. and Glass, Lewis & Co., LLC, play a significant role in shaping the policies and priorities of America's largest companies through the shareholder voting process. These firms, which control more than 90 percent of the proxy advisor market, advise their clients about how to vote the enormous numbers of shares their clients hold and manage on behalf of millions of Americans in mutual funds and exchange traded funds. Their clients' holdings often constitute a significant ownership stake in the United States' largest publicly traded companies, and their clients often follow the proxy advisors' advice.

As a result, these proxy advisors wield enormous influence over corporate governance matters, including shareholder proposals, board composition, and executive compensation, as well as capital markets and the value of Americans' investments more generally, including 401(k)s, IRAs, and other retirement investment vehicles. These proxy advisors regularly use their substantial power to advance and prioritize radical politically-motivated agendas—like “diversity, equity, and inclusion” and “environmental, social, and governance”—even though investor returns should be the only priority. For example, these proxy advisors have supported shareholder proposals requiring American companies to conduct racial equity audits and significantly reduce greenhouse gas emissions, and one continues to provide guidance based on the racial or ethnic diversity of corporate boards. Their practices also raise significant concerns about conflicts of interest and the quality of their recommendations, among other concerns. The United States must therefore increase oversight of and take action to restore public confidence in the proxy advisor industry, including by promoting accountability, transparency, and competition.

Sec. 2. Protecting Investors from Politicized Advice. (a) The Chairman of the Securities and Exchange Commission (SEC) shall review all rules, regulations, guidance, bulletins, and memoranda relating to proxy advisors. Consistent with the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*), the SEC Chairman shall consider revising or rescinding those rules, regulations, guidance, bulletins, and memoranda that are inconsistent with the purpose of this order, especially to the extent that they implicate “diversity, equity, and inclusion” and “environmental, social, and governance” policies.

(b) Consistent with the APA, the SEC Chairman shall consider revising or rescinding all rules, regulations, guidance, bulletins, and memoranda relating to shareholder proposals, including Rule 14a–8 (17 CFR 240.14a–8), that are inconsistent with the purpose of this order.

(c) The SEC Chairman shall:

(i) enforce the Federal securities laws' anti-fraud provisions with respect to material misstatements or omissions contained in proxy advisors' proxy voting recommendations;

(ii) assess whether to require proxy advisors whose activities fall within the scope of the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et*

seq.) and the rules promulgated thereunder, to register as Registered Investment Advisers;

(iii) consider requiring proxy advisors to provide increased transparency on their recommendations, methodology, and conflicts of interest, especially regarding “diversity, equity, and inclusion” and “environmental, social, and governance” factors;

(iv) analyze whether, and under what circumstances, a proxy advisor serves as a vehicle for investment advisers to coordinate and augment their voting decisions with respect to a company’s securities and, through such coordination and augmentation, form a group for purposes of sections 13(d)(3) and 13(g)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*); and

(v) direct SEC staff to examine whether the practice of Registered Investment Advisers engaging proxy advisors to advise on (and following the recommendations of such proxy advisors with respect to) non-pecuniary factors in investing, including, as appropriate, “diversity, equity, and inclusion” and “environmental, social, and governance” factors, is inconsistent with their fiduciary duties.

Sec. 3. *Unfair, Deceptive, or Anticompetitive Practices.* (a) The Chairman of the Federal Trade Commission (FTC), in consultation with the Attorney General, shall review ongoing State antitrust investigations into proxy advisors and determine if there is a probable link between conduct underlying those investigations and violations of Federal antitrust law.

(b) The FTC Chairman, under the authorities provided in the Federal Trade Commission Act (15 U.S.C. 41 *et seq.*) and in consultation with the Attorney General, as appropriate, shall investigate whether proxy advisors engage in unfair methods of competition or unfair or deceptive acts or practices that harm United States consumers by:

(i) conspiring or colluding, explicitly or implicitly, to diminish the value of consumer investments (including pensions and retirement accounts);

(ii) failing to adequately disclose conflicts of interest;

(iii) providing misleading or inaccurate information;

(iv) undermining the ability of consumers to make informed choices; or

(v) otherwise engaging in conduct that violates the antitrust laws as defined in 15 U.S.C. 12(a) or section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

Sec. 4. *Protecting Pensions and Retirement Plans.* (a) The Secretary of Labor shall, consistent with the APA, take steps to revise all regulations and guidance regarding the fiduciary status of individuals who manage, or, like proxy advisors, advise those who manage, the rights appurtenant to shares held by plans covered under the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. 1001 *et seq.*), including proxy votes and corporate engagement, consistent with the policy of this order. The Secretary of Labor shall consider whether these proposed revisions should include amendments to specify that any individual who has a relationship of trust and confidence with their client, including any proxy advisor, and who provides advice for a fee or other compensation, direct or indirect, with respect to the exercise of the rights appurtenant to shares held by ERISA plans, is an investment advice fiduciary under ERISA.

(b) The Secretary of Labor shall take all appropriate action to strengthen the fiduciary standards of pension and retirement plans covered under ERISA. Such action shall include assessing whether proxy advisors act solely in the financial interests of plan participants and the extent to which any of their practices undermine the pecuniary value of the assets of ERISA plans.

(c) The Secretary of Labor shall take all appropriate action to enhance transparency concerning the use of proxy advisors, particularly regarding

“diversity, equity, and inclusion” and “environmental, social, and governance” investment practices.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

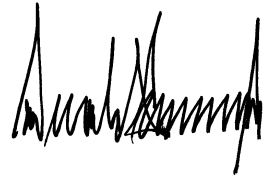
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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 Labor.

A handwritten signature in black ink, appearing to be 'Donald Trump', located on the right side of the page.

THE WHITE HOUSE,
December 11, 2025.

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