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

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Docket No. R-1882; RIN 7100-AH15]

Regulation A: Extensions of Credit by Federal Reserve Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (“Board”) has adopted final amendments to its Regulation A to reflect the Board’s approval of a decrease in the rate for primary credit at each Federal Reserve Bank. The secondary credit rate at each Reserve Bank automatically decreased by formula as a result of the Board’s primary credit rate action.

DATES:

Effective date: This rule is effective December 19, 2025.

Applicability date: The rate changes for primary and secondary credit were applicable on December 11, 2025.

FOR FURTHER INFORMATION CONTACT: M. Benjamin Snodgrass, Special Counsel (202–263–4877), Legal Division, or David Lowe, Financial Institution & Policy Analyst (202–893–6143), Division of Monetary Affairs; for users of telephone systems via text telephone (TTY) or any TTY-based Telecommunications Relay Services, please call 711 from any telephone, anywhere in the United States; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Federal Reserve Banks make primary and secondary credit available to depository institutions as a backup source of funding on a short-term basis, usually overnight. The primary and secondary credit rates are the interest rates that the twelve Federal Reserve Banks charge for extensions of credit under these programs. In accordance

with the Federal Reserve Act, the primary and secondary credit rates are established by the boards of directors of the Federal Reserve Banks, subject to review and determination of the Board.

On December 10, 2025, the Board voted to approve a 0.25 percentage point decrease in the primary credit rate, thereby decreasing the primary credit rate from 4.00 percent to 3.75 percent. In addition, the Board had previously approved the renewal of the secondary credit rate formula, the primary credit rate plus 50 basis points. Under the formula, the secondary credit rate decreased by 0.25 percentage points as a result of the Board’s primary credit rate action, thereby decreasing the secondary credit rate from 4.50 percent to 4.25 percent. The amendments to Regulation A reflect these rate changes.

The 0.25 percentage point decrease in the primary credit rate was associated with a 0.25 percentage point decrease in the target range for the federal funds rate (from a target range of 3¾ percent to 4 percent to a target range of 3½ percent to 3¾ percent) announced by the Federal Open Market Committee on December 10, 2025, as described in the Board’s amendment of its Regulation D published elsewhere in today’s **Federal Register**.

Administrative Procedure Act

In general, the Administrative Procedure Act (“APA”) ¹ imposes three principal requirements when an agency promulgates legislative rules (rules made pursuant to Congressionally delegated authority): (1) publication with adequate notice of a proposed rule; (2) followed by a meaningful opportunity for the public to comment on the rule’s content; and (3) publication of the final rule not less than 30 days before its effective date. The APA provides that notice and comment procedures do not apply if the agency for good cause finds them to be “unnecessary, impracticable, or contrary to the public interest.” ² Section 553(d) of the APA also provides that publication at least 30 days prior to a rule’s effective date is not required for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) a rule for which the agency finds good cause for

shortened notice and publishes its reasoning with the rule.³ The APA further provides that the notice, public comment, and delayed effective date requirements of 5 U.S.C. 553 do not apply “to the extent that there is involved . . . a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.” ⁴

Regulation A establishes the interest rates that the twelve Reserve Banks charge for extensions of primary credit and secondary credit. The Board has determined that the notice, public comment, and delayed effective date requirements of the APA do not apply to these final amendments to Regulation A. The amendments involve a matter relating to loans and are therefore exempt under the terms of the APA. Furthermore, because delay would undermine the Board’s action in responding to economic data and conditions, the Board has determined that “good cause” exists within the meaning of the APA to dispense with the notice, public comment, and delayed effective date procedures of the APA with respect to the final amendments to Regulation A.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (“RFA”) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.⁵ As noted previously, a general notice of proposed rulemaking is not required if the final rule involves a matter relating to loans. Furthermore, the Board has determined that it is unnecessary and contrary to the public interest 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.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (“PRA”) of 1995,⁶ the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The

³ 5 U.S.C. 553(d).

⁴ 5 U.S.C. 553(a)(2).

⁵ 5 U.S.C. 603, 604.

⁶ 44 U.S.C. 3506; see 5 CFR part 1320, appendix A.1.

¹ 5 U.S.C. 551 *et seq.*

² 5 U.S.C. 553(b)(3)(A).

final rule contains no requirements subject to the PRA.

List of Subjects in 12 CFR Part 201

Banks, Banking, Federal Reserve System, Reporting and recordkeeping.

Authority and Issuance

For the reasons set forth in the preamble, the Board is amending 12 CFR chapter II as follows:

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS (REGULATION A)

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 12 U.S.C. 248(i)–(j), 343 *et seq.*, 347a, 347b, 347c, 348 *et seq.*, 357, 374, 374a, and 461.

■ 2. In § 201.51, paragraphs (a) and (b) are revised to read as follows:

§ 201.51 Interest rates applicable to credit extended by a Federal Reserve Bank.³

(a) *Primary credit.* The interest rate at each Federal Reserve Bank for primary credit provided to depository institutions under § 201.4(a) is 3.75 percent.

(b) *Secondary credit.* The interest rate at each Federal Reserve Bank for secondary credit provided to depository institutions under § 201.4(b) is 4.25 percent.

* * * * *

³ The primary, secondary, and seasonal credit rates described in this section apply to both advances and discounts made under the primary, secondary, and seasonal credit programs, respectively.

By order of the Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,

Deputy Secretary of the Board.

[FR Doc. 2025–23389 Filed 12–18–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R–1883; RIN 7100–AH16]

Regulation D: Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (“Board”) has adopted final amendments to its Regulation D to revise the rate of interest paid on balances (“IORB”) maintained at Federal Reserve Banks by or on behalf of eligible institutions. The

final amendments specify that IORB is 3.65 percent, a 0.25 percentage point decrease from its prior level. The amendment is intended to enhance the role of IORB in maintaining the federal funds rate in the target range established by the Federal Open Market Committee (“FOMC” or “Committee”).

DATES:

Effective date: This rule is effective December 19, 2025.

Applicability date: The IORB rate change was applicable on December 11, 2025.

FOR FURTHER INFORMATION CONTACT: M. Benjamin Snodgrass, Special Counsel (202–263–4877), Legal Division, or David Lowe, Financial Institution & Policy Analyst (202–893–6143); for users of telephone systems via text telephone (TTY) or any TTY-based Telecommunications Relay Services, please call 711 from any telephone, anywhere in the United States; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

For monetary policy purposes, section 19 of the Federal Reserve Act (“Act”) imposes reserve requirements on certain types of deposits and other liabilities of depository institutions.¹ Regulation D, which implements section 19 of the Act, requires that a depository institution meet reserve requirements by holding cash in its vault, or if vault cash is insufficient, by maintaining a balance in an account at a Federal Reserve Bank (“Reserve Bank”).² Section 19 also provides that balances maintained by or on behalf of certain institutions in an account at a Reserve Bank may receive earnings to be paid by the Reserve Bank at least once each quarter, at a rate or rates not to exceed the general level of short-term interest rates.³ Institutions that are eligible to receive earnings on their balances held at Reserve Banks (“eligible institutions”) include depository institutions and certain other institutions.⁴ Section 19 also provides that the Board may prescribe regulations concerning the payment of earnings on balances at a Reserve Bank.⁵ Prior to these amendments, Regulation D established IORB at 3.90 percent.⁶

¹ 12 U.S.C. 461(b). In March 2020, the Board set all reserve requirement ratios to zero percent. See Interim Final Rule, 85 FR 16525 (Mar. 24, 2020); Final Rule, 86 FR 8853 (Feb. 10, 2021).

² 12 CFR 204.5(a)(1).

³ 12 U.S.C. 461(b)(1)(A) and (b)(12)(A).

⁴ See 12 U.S.C. 461(b)(1)(A) & (b)(12)(C); see also 12 CFR 204.2(y).

⁵ See 12 U.S.C. 461(b)(12)(B).

⁶ See 12 CFR 204.10(b)(1).

II. Amendment to IORB

The Board is amending § 204.10(b)(1) of Regulation D to establish IORB at 3.65 percent. The amendment represents a 0.25 percentage point decrease in IORB. This decision was announced on December 10, 2025, with an effective date of December 11, 2025, in the Federal Reserve Implementation Note that accompanied the FOMC’s statement on December 10, 2025. The FOMC statement stated that the Committee decided to lower the target range for the federal funds rate to 3½ to 3¾ percent.

The Federal Reserve Implementation Note stated:

The Board of Governors of the Federal Reserve System voted unanimously to lower the interest rate paid on reserve balances to 3.65 percent, effective December 11, 2025.

As a result, the Board is amending § 204.10(b)(1) of Regulation D to establish IORB at 3.65 percent.

III. Administrative Procedure Act

In general, the Administrative Procedure Act (“APA”) ⁷ imposes three principal requirements when an agency promulgates legislative rules (rules made pursuant to Congressionally-delegated authority): (1) publication with adequate notice of a proposed rule; (2) followed by a meaningful opportunity for the public to comment on the rule’s content; and (3) publication of the final rule not less than 30 days before its effective date. The APA provides that notice and comment procedures do not apply if the agency for good cause finds them to be “unnecessary, impracticable, or contrary to the public interest.” ⁸ Section 553(d) of the APA also provides that publication at least 30 days prior to a rule’s effective date is not required for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) a rule for which the agency finds good cause for shortened notice and publishes its reasoning with the rule.⁹

The Board has determined that good cause exists for finding that the notice, public comment, and delayed effective date provisions of the APA are unnecessary, impracticable, or contrary to the public interest with respect to these final amendments to Regulation D. The rate change for IORB that is reflected in the final amendment to Regulation D was made with a view towards accommodating commerce and business and with regard to their

⁷ 5 U.S.C. 551 *et seq.*

⁸ 5 U.S.C. 553(b)(3)(A).

⁹ 5 U.S.C. 553(d).

bearing upon the general credit situation of the country. Notice and public comment would prevent the Board's action from being effective as promptly as necessary in the public interest and would not otherwise serve any useful purpose. Notice, public comment, and a delayed effective date would create uncertainty about the finality and effectiveness of the Board's action and undermine the effectiveness of that action. Accordingly, the Board has determined that good cause exists to dispense with the notice, public comment, and delayed effective date procedures of the APA with respect to this final amendment to Regulation D.

IV. Regulatory Flexibility Analysis

The Regulatory Flexibility Act ("RFA") does not apply to a rulemaking where a general notice of proposed rulemaking is not required.¹⁰ As noted previously, the Board has determined that it is unnecessary and contrary to the public interest 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.

V. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act ("PRA") of 1995,¹¹ the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The final rule contains no requirements subject to the PRA.

List of Subjects in 12 CFR Part 204

Banks, Banking, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, the Board amends 12 CFR part 204 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (REGULATION D)

■ 1. The authority citation for part 204 continues to read as follows:

Authority: 12 U.S.C. 248(a), 248(c), 461, 601, 611, and 3105.

■ 2. Section 204.10 is amended by revising paragraph (b)(1) to read as follows:

§ 204.10 Payment of interest on balances.

* * * * *

(b) * * *

(1) For balances maintained in an eligible institution's master account, interest is the amount equal to the interest on reserve balances rate ("IORB rate") on a day multiplied by the total balances maintained on that day. The IORB rate is 3.65 percent.

* * * * *

By order of the Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,

Deputy Secretary of the Board.

[FR Doc. 2025-23390 Filed 12-18-25; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

RIN 3064-AG24

Special Assessment Collection

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Interim final rule; request for comments.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) has been collecting a special assessment to recover losses arising from the protection of uninsured depositors under the systemic risk exception, as required by statute. To ensure that the FDIC recovers the correct amount of losses while minimizing the risk of overcollecting or undercollecting in aggregate, the FDIC is adopting this interim final rule to reduce the rate at which the special assessment will be collected in the eighth collection quarter from 3.36 basis points to 2.97 basis points, and provide an offset to regular quarterly deposit insurance assessments for banks subject to the special assessment if the amount collected exceeds losses following the resolution of litigation between the FDIC and SVB Financial Trust (SVBFT) and again following the termination of the receiverships.

DATES: The interim final rule is effective December 19, 2025. Comments must be received on or before January 20, 2026.

ADDRESSES: You may submit comments, identified by RIN 3064-AG24, by any of the following methods:

- **FDIC Website:** <https://www.fdic.gov/federal-register-publications>. Follow instructions for submitting comments on the agency website.
- **Email:** Comments@fdic.gov. Include 3064-AG24 in the subject line of the message.

- **Mail:** Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments—RIN 3064-AG24, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

- **Hand Delivery to FDIC:** Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street NW) on business days between 7 a.m. and 5 p.m.

- **Public Inspection:** Comments received, including any personal information provided, may be posted without change to <https://www.fdic.gov/federal-register-publications>. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of the proposed rule will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Division of Insurance and Research: Kayla Shoemaker, Chief, Banking and Regulatory Policy Section, 202-898-6962, kashoemaker@fdic.gov; Daniel Hoople, Acting Associate Director, Financial Risk Management Branch, 202-898-3835, dhoople@fdic.gov; Legal Division: Ryan McCarthy, Counsel, 202-898-7301, rymccarthy@fdic.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 13(c)(4)(G) of the Federal Deposit Insurance Act (FDI Act) permits the FDIC to take certain actions with respect to an insured depository institution (IDI) for which the FDIC has been appointed receiver, following a recommendation by the FDIC Board of Directors (Board), with the written concurrence of the Board of Governors of the Federal Reserve System (Board of Governors), and a determination of systemic risk by the Secretary of the U.S. Department of Treasury (Treasury)

¹⁰ 5 U.S.C. 603, 604.

¹¹ 44 U.S.C. 3506; see 5 CFR part 1320 Appendix A.1.

(in consultation with the President).¹ On March 12, 2023, the Secretary of the Treasury, acting on the recommendation of the Board and Board of Governors, and after consultation with the President, invoked the statutory systemic risk exception with respect to the resolutions of Silicon Valley Bank and Signature Bank.²

Under section 13(c)(4)(G) of the FDI Act, the loss to the Deposit Insurance Fund (DIF) arising from the use of a systemic risk exception must be recovered from one or more special assessments on IDIs, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the FDIC determines to be appropriate.³

The estimated losses to the DIF attributable to Silicon Valley Bank and Signature Bank are periodically adjusted as the FDIC, as receiver of the failed banks, sells assets, satisfies liabilities, and incurs receivership expenses. The exact amount of actual losses incurred, and therefore the amount the FDIC must recover through the special assessment, will not be determined until the FDIC terminates the receiverships.

II. The Final Rule Implementing the Special Assessment

On November 29, 2023, the FDIC published in the **Federal Register** a final rule (the special assessment rule) to implement a special assessment, as required by the FDI Act, to recover the loss to the DIF arising from the protection of uninsured depositors following the closures of Silicon Valley Bank and Signature Bank.⁴

As stated in that rulemaking, the special assessment rule allocated the collection over eight quarterly assessment periods to reduce the likelihood of overcollecting and to mitigate the liquidity effects of the special assessment on IDIs by requiring smaller, consistent quarterly payments.

The FDIC began collecting the special assessment with the invoice for the first quarterly assessment period of 2024 (*i.e.*, January 1, 2024, through March 31, 2024), with a payment date of June 28, 2024. Throughout the initial eight-

quarter collection period, the special assessment has been collected at a quarterly rate of 3.36 basis points, multiplied by an IDI's special assessment base of estimated uninsured deposits as reported in the Consolidated Reports of Condition and Income (Call Report) or Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002), reported for the quarter that ended December 31, 2022, adjusted to exclude the first \$5 billion in estimated uninsured deposits from the IDI, or for IDIs that are part of a holding company with one or more subsidiary IDIs, at the banking organization level.⁵

The special assessment rule included provisions to extend the collection period or cease collection early in response to changes to the estimated losses to the DIF or if assessments collected change due to corrective amendments to the amount of uninsured deposits reported for the December 31, 2022, reporting period. Specifically, the special assessment rule included provisions to allow the FDIC to extend the collection period over one or more quarters as needed to collect the difference between the amount collected after the initial eight collections and the estimated or actual losses at the end of the eight-quarter collection period. Conversely, if, prior to the end of the initial eight-quarter collection period, the estimated or actual losses are less than the amount collected, the special assessment rule included a provision to allow the FDIC to cease collection of the special assessment before the end of the initial eight-quarter collection period. However, pursuant to the special assessment rule, the FDIC is required to collect at a quarterly rate of 3.36 basis points until the FDIC has collected enough to recover actual or estimated losses, which means that it may collect more than the amount of estimated losses. Additionally, even if the FDIC

ceased collection early, a future decrease in losses would result in the FDIC overcollecting.

As with all receiverships, the loss estimates attributable to Silicon Valley Bank and Signature Bank are periodically adjusted as the FDIC, as receiver of the failed banks, sells assets, satisfies liabilities, and incurs receivership expenses. The exact amount of actual losses incurred will be determined when the FDIC terminates the receiverships. In the event that the final loss amounts at the termination of the receiverships exceed the amount collected, the special assessment rule provides for a one-time final shortfall special assessment.

III. The Interim Final Rule

The objectives of the interim final rule are to ensure that the FDIC recovers the correct amount of losses, while minimizing the risk of overcollecting or undercollecting. Through this rule, during the eighth collection quarter, the FDIC will recover approximately the full amount of estimated losses as of September 30, 2025, while minimizing any amounts collected in excess of the estimated losses, by reducing the rate at which the special assessment will be collected from 3.36 basis points to 2.97 basis points. The interim final rule also requires the FDIC to provide an offset to regular quarterly deposit insurance assessments for IDIs subject to the special assessment if the aggregate amount collected exceeds estimated losses following the resolution of litigation between the FDIC and SVBFT, and again following the termination of the receiverships. As provided for in the special assessment rule, if losses at the termination of the receiverships exceed the amount collected, the FDIC will implement a one-time final shortfall special assessment to ensure the full amount of actual losses is recovered as required by law.

A. Reduction in Rate for Eighth Special Assessment Collection

As of September 30, 2025, the total loss estimate for Silicon Valley Bank and Signature Bank attributable to the protection of uninsured depositors pursuant to the systemic risk determination, which must be recovered through the special assessment, was \$16.7 billion. As of September 30, 2025, the FDIC completed six quarterly collections of the special assessment, at an average of \$2.1 billion per quarter, resulting in collection of \$12.7 billion. The FDIC anticipates collecting another \$2.1 billion for the seventh quarter of the initial collection period, with an invoice payment date of December 30,

¹ 12 U.S.C. 1823(c)(4)(G). As used in this interim final rule, the term "bank" is synonymous with the term "insured depository institution" as it is used in section 3(c)(2) of the FDI Act, 12 U.S.C. 1813(c)(2).

² 12 U.S.C. 1823(c)(4)(G). See also: FDIC PR-17-2023. "Joint Statement by the Department of the Treasury, Federal Reserve, and FDIC." March 12, 2023. <https://www.fdic.gov/news/press-releases/2023/pr23017.html>.

³ 12 U.S.C. 1823(c)(4)(G)(ii)(I).

⁴ See 88 FR 83329 (Nov. 29, 2023). See also 12 CFR 327.13.

⁵ Under the special assessment rule, the term "banking organization" includes IDIs that are not subsidiaries of a holding company as well as holding companies with one or more subsidiary IDIs. Estimated uninsured deposits are reported in Memoranda Item 2 on Schedule RC-O, Other Data for Deposit Insurance Assessments of both the Call Report and FFIEC 002. Insured depository institutions IDIs with less than \$1 billion in total assets as of June 30, 2021, were not required to report the estimated amount of uninsured deposits on the Call Report for December 31, 2022. Therefore, for IDIs that had less than \$1 billion in total assets as of June 30, 2021, the amount and share of estimated uninsured deposits as of December 31, 2022, would be zero. For an IDI that is part of a holding company with more than one subsidiary IDI, the \$5 billion deduction is apportioned based on its estimated uninsured deposits as a percentage of total estimated uninsured deposits held by all IDI affiliates in the banking organization.

2025, for a total projected collection of \$14.8 billion.

Absent the interim final rule, the FDIC would invoice and collect the eighth quarterly special assessment period, with an invoice payment date of March 30, 2026, at the quarterly rate of 3.36 basis points for a projected amount of \$2.1 billion. This would bring the projected cumulative amount collected for all eight collection quarters to \$16.9 billion. Thus, if the FDIC collected the eighth quarter at the quarterly rate of 3.36 basis points, as required by the special assessment rule, the FDIC would collect approximately \$250 million more than estimated losses as of September 30, 2025.

To ensure that the FDIC collects the correct amount (*i.e.*, an amount approximately equal to the loss estimate as of September 30, 2025, and to avoid overcollection), the FDIC, through this interim final rule, will collect the special assessment in the eighth collection quarter, with an invoice payment date of March 30, 2026, at a reduced rate of 2.97 basis points. This is the rate required to collect an amount approximately equal to the difference between estimated losses of \$16.7 billion as of September 30, 2025, and the anticipated collection amount of \$14.8 billion through the seventh quarterly collection period. Because the cumulative amount collected through the initial special assessment period is projected to equal the loss estimate as of September 30, 2025, the extended assessment period will not be necessary, and therefore, as a conforming change, the interim final rule removes the extended assessment period provisions of the special assessment rule.

B. Potential Offset to Regular Quarterly Deposit Insurance Assessments

To ensure that the FDIC collects the correct amount, without overcollecting or undercollecting, the FDIC will provide offsets to regular quarterly deposit insurance assessments for IDIs subject to the special assessment, as described below. Any offsets provided would be an amount proportional to the amount that each bank paid towards the special assessment.⁶

The largest known variable that could result in banks overpaying is the outcome of pending litigation between the FDIC and SVBFT. SVBFT has asserted a \$1.71 billion deposit claim, and the special assessment calculation

assumes the estimated \$1.71 billion claim will result in a \$1.71 billion loss to the DIF. However, the FDIC, as receiver, has asserted defenses to this deposit claim, and any amounts awarded based on its defenses would offset all or part of the \$1.71 billion loss and reduce the total amount of losses the FDIC needs to recover through the special assessment. Thus, the outcome of the litigation could result in a significant overpayment of the special assessment.

As a result, the FDIC has decided to provide an offset to IDIs subject to the special assessment at the subsequent quarterly assessment if, following the final resolution of the SVBFT litigation, the total amount collected through the special assessment exceeds the loss estimates at that time. More specifically, the offset would occur beginning the quarter after the resolution of the final, unappealable, judgment or settlement of the litigation between the FDIC and SVBFT. Under the interim final rule, the FDIC will provide an offset at that time if the collection amount exceeds loss estimates, including any changes to loss estimates resulting from estimated asset recoveries or other asset disposition efforts, and regardless of the outcome of the SVBFT litigation. However, if the collection amount is equal to or less than loss estimates, the FDIC will take no action until the termination of the receiverships, consistent with the special assessment rule. The FDIC will, potentially, provide an offset at that time due to the magnitude of the SVBFT litigation, which is significantly larger than other known variables impacting the loss estimates.

C. Final Offset to Regular Quarterly Deposit Insurance Assessments or One-Time Final Shortfall Special Assessment

In addition, under the interim final rule, upon termination of the receiverships, the FDIC will either (1) provide an offset to regular quarterly deposit insurance assessments for IDIs subject to the special assessment if the amount collected exceeds losses, or (2) collect from IDIs subject to the special assessment a one-time final shortfall special assessment, as provided in the special assessment rule. In the latter scenario, the FDIC will implement a one-time final shortfall special assessment with advanced notice of 45 days.⁷ In aggregate, this will ensure that

the FDIC ultimately collects the correct amount, equal to losses attributable to the systemic risk exception.

D. Mergers, Consolidations, and Terminations of Deposit Insurance

Offsets applied following a merger or consolidation will be provided to a surviving or resulting IDI. Under the interim final rule, any offset that would have been applied to any bank with an insured status that is terminated after the effective date of this interim final rule or prior to the application of any offset, and for which the deposit liabilities were not assumed by another IDI, will not occur.

IV. Accounting Treatment

Each bank should account for the special assessment in accordance with U.S. generally accepted accounting principles (GAAP). In accordance with Financial Accounting Standards Board Accounting Standards Codification Topic 450, *Contingencies* (FASB ASC Topic 450), an estimated loss from a loss contingency shall be accrued by a charge to income if information indicates that it is probable that a liability has been incurred and the amount of loss is reasonably estimable.⁸ Therefore, a bank will recognize in the Call Report and other financial statements the accrual of a liability and estimated loss (*i.e.*, expense) from a loss contingency for the special assessment when the bank determines that the conditions for accrual under GAAP have been met. In addition, the General Instructions to the Call Report provide guidance on ASC Topic 855, *Subsequent Events*, which may be applicable.⁹

If a bank had previously accrued its best estimate of the liability for the special assessment and the related expense, a bank should adjust its previous accrual based on subsequent notifications from the FDIC relating to changes in the total special assessment in accordance with FASB ASC Subtopic 450–20.

Similarly, each bank should account for any shortfall special assessment in accordance with FASB ASC Topic 450 when the conditions for accrual under GAAP have been met.

V. Expected Effects

To estimate the economic effects of the interim final rule, this analysis considers all relevant regulations applicable to FDIC-insured institutions,

⁶ In the event that an IDI's regular quarterly deposit insurance assessment amount is less than the offset amount allocated to the IDI, the FDIC would apply the offset to the IDI's assessment amount for one or more additional quarters as needed, until the offset amount is exhausted.

⁷ In the event that the FDIC provides an offset to regular quarterly deposit insurance assessments prior to the termination of the receiverships, and loss estimates later increase relative to amounts collected, the FDIC will collect the remaining amount needed to fully recover losses through the one-time final shortfall special assessment.

⁸ FASB ASC paragraph 450–20–25–2.

⁹ See General Instructions to the Call Report, available at: <https://www.fdic.gov/bank-financial-reports/ffiec-reports-condition-and-income-instructions-ffiec-031-and-041-report-2>.

as well as information on the financial condition of FDIC-insured institutions as of the quarter ending September 30, 2025, as the baseline to which the effects of the proposed rule are estimated. As of the quarter ending September 30, 2025, the FDIC-insured 4,388 depository institutions.¹⁰ The special assessment rule applies to banking organizations that reported estimated uninsured deposits in excess of \$5 billion as of the quarter ending December 31, 2022. The special assessment rule identified 114 banking organizations subject to the special assessment, and 110 banking organizations remain subject to the special assessment as of the quarter ending September 30, 2025.¹¹

The interim final rule will benefit IDIs subject to the special assessment by reducing the estimated overcollection in the eighth collection quarter by \$246 million. These funds are a transfer in the context of cost-benefit analysis.¹² To ensure the FDIC recovers approximately the full amount of estimated losses as of September 30, 2025, while minimizing amounts collected in excess of the estimated losses, the interim final rule will reduce the rate at which the special assessment will be collected in the eighth collection quarter from 3.36 basis points to 2.97 basis points. Under the baseline, affected IDIs will pay \$2.1 billion scheduled to be assessed in the eighth quarterly collection. Under the interim final rule, affected IDIs will only pay \$1.9 billion in the eighth quarterly collection. The quarterly collection amount is projected to be \$246 million lower, which results in quarterly savings of 11.6 percent for banking organizations subject to the special assessment.¹³

The interim final rule could also benefit IDIs subject to the special assessment by providing an offset to regular quarterly deposit insurance assessments. If the special assessment amount collected exceeds estimated losses following the resolution of pending litigation between the FDIC and SVBFT, the FDIC will apply an offset to

regular deposit insurance assessments. Any such offset will be applied to quarterly assessments beginning the quarter after the resolution of the litigation. If the amount collected exceeds losses upon termination of the receiverships, the FDIC will also apply an offset to regular deposit insurance assessments.

Any such assessment offset would increase retained income for affected IDIs. Affected IDIs could employ increased retained income by passing it on to equity holders, retaining it, or lending those funds to customers. As mentioned previously, estimated losses remain uncertain and the amount of actual losses incurred will be determined when the FDIC terminates the receiverships. Therefore, based on estimated losses as of September 30, 2025, the projected collection amount through the eighth quarterly collection, and continued uncertainty in estimated losses, the FDIC is not estimating an amount for any assessment offset.

Therefore, the FDIC estimates the interim final rule will convey benefits to IDIs subject to the special assessment through prospective returns on the \$246 million in funds they will retain from the reduced eighth quarterly collection amount. The FDIC does not have the information necessary to estimate how IDIs will utilize those funds. If the funds are invested at the effective federal funds rate of 3.88 percent, the affected IDIs will earn annual benefits of \$9.53 million.¹⁴ If the IDIs instead invest the funds in banking assets with a yield of 5.56 percent (the annualized yield on earning assets for the banking industry through September 30, 2025), the annual benefits will be \$13.66 million.¹⁵ Therefore, the FDIC estimates the economic effect of this interim final rule to be \$9.53 million or \$13.66 million annually.

VI. Request for Comment

The FDIC invites comments on all aspects of the interim final rule. In particular, the FDIC requests comment on the following:

Question 1: Are there alternative methodologies or timing for applying offsets or collecting the remaining amount of the estimated losses attributable to the protection of

uninsured depositors pursuant to the systemic risk determination the FDIC should consider and why?

Question 2: Are there policy or accounting considerations regarding the special assessment collection or the application of an offset to regular quarterly deposit insurance assessments that are relevant, but not discussed in the interim final rule?

Question 3: The FDIC invites comments on expected effects. In particular, are there effects of the interim final rule that the FDIC did not consider?

VII. Administrative Law Matters

A. Administrative Procedure Act

The FDIC is issuing the interim final rule without prior notice and the opportunity for public comment and the delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA).¹⁶ Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an “agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.”¹⁷ Pursuant to section 553(d)(1) of the APA, a rule may become effective without waiting for the delayed effective date to elapse where the rule “grants an exemption or relieves a restriction.”¹⁸

The eighth quarterly special assessment collection will occur in the first quarter of 2026, and there is material benefit to the FDIC in not delaying the collection (which would likely be necessary if going through a full notice-and-comment rulemaking process) and to IDIs subject to the special assessment, who benefit from having certainty regarding the amount to be collected in the first quarter of 2026. As a result, the FDIC finds that the public interest is best served by the interim final rule being effective immediately upon publication in the **Federal Register** and without prior notice and opportunity for public comment.

Nevertheless, the FDIC desires to have the benefit of public comment and invites interested parties to submit comments during a 30-day comment period, particularly on aspects of the rule that are less time-sensitive than the eighth collection amount. The 30-day comment period will allow the FDIC to

¹⁰ FDIC Call Report and FFIEC 002 Data, September 30, 2025.

¹¹ The decline in the number of banking organizations subject to the special assessment between enactment and September 30, 2025, is due to bank mergers.

¹² Circular No. A–94, Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs, Appendix A, October 29, 1992 (Reinstated April 8, 2025).

¹³ The difference between the \$250 million estimated overcollection and the \$246 million reduction in the eighth quarterly collection is the result of rounding when calculating the collection amount, using a special assessment rate in basis points out to two significant digits, when considering estimated losses.

¹⁴ The effective Federal funds rate was 3.88 percent as of November 25, 2025. <https://www.newyorkfed.org/markets/reference-rates/effr>. \$252 million * 3.88 percent = \$9.78 million.

¹⁵ Annualized yield on earning assets for the banking industry through the first three quarters of 2025 was 5.56 percent. FDIC Quarterly Banking Profile, Third Quarter 2025. <https://www.fdic.gov/quarterly-banking-profile/quarterly-banking-profile-third-quarter-2025-pdf.pdf#page=1>. \$252 million * 5.56 percent = \$14.01 million.

¹⁶ 5 U.S.C. 553.

¹⁷ 5 U.S.C. 553(b)(B).

¹⁸ 5 U.S.C. 553(d)(1).

receive comments in a timely manner, given that the interim rule will be effective on December 19, 2025. In adopting any final regulation, the FDIC will revise the interim final rule if appropriate in light of the comments received.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities.¹⁹ The RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). As discussed previously, consistent with section 553(b)(B) of the APA, the FDIC has determined for good cause that general notice and opportunity for public comment is unnecessary, and therefore the FDIC is not issuing a notice of proposed rulemaking. Accordingly, the FDIC has concluded that the RFA's requirements relating to initial and final regulatory flexibility analysis do not apply.

Nevertheless, the FDIC is voluntarily presenting information in this RFA section and seeking comment on whether, and the extent to which, the interim final rule would affect a significant number of small entities. The Small Business Administration (SBA) has defined "small entities" to include banking organizations with total assets of less than or equal to \$850 million.²⁰

The FDIC insures 4,430 institutions as of June 30, 2025, of which 3,092 are small entities.²¹ The special assessment is paid by IDIs that are part of banking organizations that reported more than \$5 billion in uninsured deposits for the reporting period that ended December 31, 2022. Given that no small entity has reported more than \$5 billion in uninsured deposits, the FDIC does not believe the interim final rule will have a direct effect on any small entity.

¹⁹ 5 U.S.C. 601 *et seq.*

²⁰ The SBA defines a small banking organization as having \$850 million or less in assets, where an organization's "assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See 13 CFR 121.201 (as amended by 87 FR 69118, effective December 19, 2022). In its determination, the "SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates." See 13 CFR 121.103. Following these regulations, the FDIC uses an insured depository institution's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the insured depository institution is "small" for the purposes of RFA.

²¹ June 30, 2025, Call Report data, the most current Call Reports for which the FDIC can determine which insured depository institutions are "small" for purposes of RFA.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA)²² states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The FDIC's OMB control numbers for its assessment regulations are 3064–0057, 3064–0151, and 3064–0179. The interim final rule does not create any new, or revise any of these existing assessment information collections pursuant to the PRA; consequently, no submissions in connection with these OMB control numbers will be made to the OMB for review.

D. Riegle Community Development and Regulatory Improvement Act of 1994

The Riegle Community Development and Regulatory Improvement Act of 1994 generally provides that new regulations or amendments to regulations prescribed by a Federal banking agency that impose additional reporting, disclosure, or other new requirements on IDIs shall take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form, unless the agency determines, for good cause published with the rule, that the rule should become effective for such time.²³ For the reasons discussed above, the FDIC has determined that good cause exists for the interim final rule to become effective immediately upon publication in the **Federal Register**.

E. Plain Language

Section 722 of the Gramm-Leach-Bliley Act²⁴ requires the Federal banking agencies to use plain language in all proposed and final rulemakings published in the **Federal Register** after January 1, 2000. The FDIC has sought to present the interim final rule in a simple and straightforward manner. The FDIC invites comments on whether the interim final rule is clearly stated and effectively organized and how the FDIC might make the proposal easier to understand.

F. Congressional Review Act

For purposes of the Congressional Review Act, the OMB makes a determination as to whether a final rule constitutes a "major" rule.²⁵ If a rule is deemed a "major rule" by the OMB, the Congressional Review Act generally

provides that the rule may not take effect until at least 60 days following its publication.²⁶

The Congressional Review Act defines a "major rule" as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in (1) an annual effect on the economy of \$100,000,000 or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.²⁷

The OMB has determined that the interim final rule is not a major rule for purposes of the Congressional Review Act. The FDIC will submit the rule and other appropriate reports to Congress and the Government Accountability Office for review.

List of Subjects in 12 CFR Part 327

Bank deposit insurance, Banks, Banking, Savings associations.

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation amends 12 CFR part 327 as follows:

PART 327—ASSESSMENTS

- 1. The authority citation for part 327 continues to read as follows:

Authority: 12 U.S.C. 1813, 1815, 1817–19, 1821, 1823.

- 2. Revise and republish § 327.13 to read as follows:

§ 327.13 Special assessment pursuant to March 12, 2023, systemic risk determination.

(a) *Special assessment.* A special assessment shall be imposed on each insured depository institution to recover losses to the Deposit Insurance Fund, as described in paragraph (b) of this section, resulting from the March 12, 2023, systemic risk determination pursuant to 12 U.S.C. 1823(c)(4)(G). The special assessment shall be collected from each insured depository institution on a quarterly basis as described in this section during the initial special assessment period as defined in paragraph (i) of this section and, if necessary, on a one-time basis as

²² 44 U.S.C. 3501 through 3521.

²³ 12 U.S.C. 4802.

²⁴ Public Law 106–102, section 722, 113 Stat. 1338, 1471 (1999), 12 U.S.C. 4809.

²⁵ 5 U.S.C. 801 *et seq.*

²⁶ 5 U.S.C. 801(a)(3).

²⁷ 5 U.S.C. 804(2).

described in paragraph (l) of this section.

(b) *Losses to the Deposit Insurance Fund.* As used in this section, “losses to the Deposit Insurance Fund” refers to losses incurred by the Deposit Insurance Fund resulting from actions taken by the FDIC under the March 12, 2023, systemic risk determination, as may be revised from time to time.

(c) *Calculation of quarterly special assessment amount.* An insured depository institution’s special assessment for each quarter during the initial special assessment period shall be calculated by multiplying the special assessment rate defined in paragraph (i)(2) of this section by the institution’s special assessment base as defined in paragraph (i)(3) of this section.

(d) *Invoicing of special assessment.* For each assessment period in which the special assessment is imposed, the FDIC shall advise each insured depository institution of the amount and calculation of any special assessment payment due in a form that notifies the institution of the special assessment base and special assessment rate exclusive of any other assessments imposed under this part. The FDIC shall also advise each insured depository institution subject to the special assessment of any revisions, if any, to losses to the Deposit Insurance Fund as defined in paragraph (b) of this section. This information shall be provided at the same time as the institution’s quarterly certified statement invoice under § 327.2 for the assessment period in which the special assessment was imposed.

(e) *Payment of quarterly special assessment amount.* Each insured depository institution shall pay to the Corporation any special assessment imposed under this section in compliance with and subject to the provisions of §§ 327.3, 327.6, and 327.7. The date for any special assessment payment shall be the date provided in § 327.3(b)(2) for the institution’s quarterly certified statement invoice for the calendar quarter in which the special assessment was imposed.

(f) *Uninsured deposits.* For purposes of this section, the term “uninsured deposits” means an institution’s estimated uninsured deposits as reported in Memoranda Item 2 on Schedule RC–O, Other Data For Deposit Insurance Assessments in the Consolidated Reports of Condition and Income (Call Report) or Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002) for the quarter ended December 31, 2022, reported as of the later of:

(1) November 2, 2023, adjusted for mergers prior to March 12, 2023; or

(2) The date of the institution’s most recent amendment to its Call Report or FFIEC 002 for the quarter ended December 31, 2022, if such amendment arises from, or is confirmed through, the FDIC’s Assessment Reporting Review. Institutions with less than \$1 billion in total assets as of June 30, 2021, were not required to report such items; therefore, for purposes of calculating the special assessment or a shortfall special assessment under this section, the amount of uninsured deposits for such institutions as of December 31, 2022, is zero.

(g) *Five billion dollar deduction from the special assessment base— institution’s portion.* For purposes of this section, an institution’s portion of the \$5 billion deduction shall equal the ratio of the institution’s uninsured deposits to the sum of the institution’s uninsured deposits and the uninsured deposits of all of the institution’s affiliated insured depository institutions, multiplied by \$5 billion.

(h) *Affiliates.* For the purposes of this section, an affiliated insured depository institution is an insured depository institution that meets the definition of “affiliate” in section 3 of the FDI Act, 12 U.S.C. 1813(w)(6).

(i) *Special assessment during initial special assessment period—(1) Initial special assessment period.* The initial special assessment period shall begin with the first quarterly assessment period of 2024 and end the last quarterly assessment period of 2025.

(2) *Special assessment rate during initial special assessment period.* The special assessment rate during the first seven quarters of the initial special assessment period is 3.36 basis points on a quarterly basis, and the rate during the last quarterly assessment period of 2025 is 2.97 basis points.

(3) *Special assessment base during initial special assessment period.* (i) The special assessment base for an insured depository institution during the initial special assessment period that has no affiliated insured depository institution shall equal:

(A) The institution’s uninsured deposits; minus

(B) Five billion dollars; provided, however, that an institution’s assessment base cannot be negative.

(ii) The special assessment base for an insured depository institution during the initial special assessment period that has one or more affiliated insured depository institutions shall equal:

(A) The institution’s uninsured deposits; minus

(B) The institution’s portion of the \$5 billion deduction; provided, however, that an institution’s special assessment base cannot be negative.

(j) *Effect of mergers, consolidations, and other terminations of insurance on the special assessment—(1) Final quarterly certified invoice for acquired institution.* The surviving or resulting insured depository institution in a merger or consolidation shall be liable for any unpaid special assessment or one-time final shortfall special assessment outstanding at the time of the merger or consolidation on the part of the institution that is not the resulting or surviving institution consistent with § 327.6.

(2) *Special assessment for quarter in which the merger or consolidation occurs and subsequent quarters.* If an insured depository institution is the surviving or resulting institution in a merger or consolidation or acquires all or substantially all of the assets, or assumes all or substantially all of the deposit liabilities, of an insured depository institution, then the surviving or resulting insured depository institution or the insured depository institution that acquires such assets or assumes such deposit liabilities, shall be liable for the acquired institutions’ special assessment from the quarter of the acquisition through the remainder of the initial special assessment period, including any one-time final shortfall special assessment.

(3) *Other termination.* When the insured status of an institution is terminated, and the deposit liabilities of such institution are not assumed by another insured depository institution, the special assessment and any shortfall special assessment shall be paid consistent with § 327.6(c). When an insured depository institution voluntarily terminates its deposit insurance, the institution shall be liable for any unpaid special assessment or one-time final shortfall special assessment outstanding at the time of the termination and all future special assessments, if any, the institution would have been invoiced through the remainder of the initial special assessment period, as applicable, including any one-time final shortfall special assessment for which the institution has been given notice before termination. Any special assessment or one-time final shortfall special assessment liabilities will be included, in full, on the final quarterly assessment invoice following voluntary termination.

(k) *Corrective reporting amendments—(1) Recalculation of*

quarterly special assessment amount. Corrective amendments to an institution's uninsured deposits that arise from, or are confirmed through, the FDIC's Assessment Reporting Review will apply retroactively beginning the first quarterly collection period of the initial special assessment period. An institution's special assessment base and portion of the \$5 billion deduction, along with the portion of the \$5 billion deduction allocated to the institution's affiliated insured depository institutions, will be recalculated for prior collection quarters. Any overpayment or underpayment in prior collection quarters as a result of the recalculation will be invoiced as described in paragraph (k)(2) of this section.

(2) *Invoicing overpayment and underpayment.* Any underpayment of the special assessment by an institution as the result of corrective amendments to uninsured deposits will be included, in full and with interest, on the invoice for the quarter following the date a corrective amendment is filed. If a corrective amendment results in an overpayment of the special assessment, the institution will be credited the overpayment amount, with interest, and such amount will be applied to the institution's subsequent special assessment invoices beginning in the quarter following the date of the amendment. If any excess credit amount remains after the end of the initial special assessment period, the excess credit amount shall be refunded to the institution. Payment and collection of interest on amounts resulting from overpayment and underpayment of the special assessment shall be consistent with § 327.7.

(l) *One-time final shortfall special assessment.* If the aggregate amount of the special assessment collected does not meet or exceed the losses to the Deposit Insurance Fund, as calculated after the receiverships resulting from the March 12, 2023, systemic risk determination are terminated, insured depository institutions shall pay a one-time final shortfall special assessment in accordance with this paragraph (l).

(1) *Notification of one-time final shortfall special assessment.* The FDIC shall notify each insured depository institution of the amount of such institution's one-time final shortfall special assessment no later than 45 days before such shortfall assessment is due.

(2) *Aggregate one-time final shortfall special assessment amount.* The aggregate amount of the one-time final shortfall special assessment imposed across all insured depository institutions shall equal the losses to the

Deposit Insurance Fund, as of termination of the receiverships to which the March 12, 2023, systemic risk determination applied, minus the aggregate amount of the special assessment collected under this section less any amount applied as an offset, as described in paragraph (p)(1)(i) of this section, including the net amount of interest paid or received as a result of overpayments and underpayments.

(3) *One-time final shortfall special assessment rate.* The final shortfall special assessment rate shall be the aggregate final shortfall special assessment amount divided by the total amount of uninsured deposits, as described in paragraph (f) of this section, adjusted for mergers, consolidation, and termination of insurance as of the assessment period preceding the final shortfall special assessment period, minus the \$5 billion deduction for each insured depository institution or each institution's portion of the \$5 billion deduction.

(4) *One-time final shortfall special assessment base.* (i) The one-time final shortfall special assessment base for an insured depository institution that has no affiliated insured depository institution shall equal:

(A) The institution's uninsured deposits; minus

(B) \$5 billion; provided, however, that an institution's one-time final shortfall special assessment base cannot be negative.

(ii) The one-time final shortfall special assessment base for an insured depository institution that has one or more affiliated insured depository institutions shall equal:

(A) The institution's uninsured deposits; minus

(B) The institution's portion of the \$5 billion deduction, adjusted for termination of insurance as of the assessment period preceding the final shortfall assessment period; provided, however, that an institution's one-time final shortfall special assessment base cannot be negative.

(5) *Calculation of one-time final shortfall special assessment.* An insured depository institution's final shortfall special assessment shall be calculated by multiplying the final shortfall special assessment rate by the institution's one-time final shortfall special assessment base.

(6) *One-time final special assessment.* The one-time final shortfall special assessment shall be collected on a one-time quarterly basis after losses to the Deposit Insurance Fund are determined after termination of the receiverships to which the March 12, 2023, systemic risk determination applied.

(7) *Payment, invoicing, and mergers.* Paragraphs (d), (e), and (j) of this section are applicable to the one-time shortfall special assessment.

(m) *Request for revisions.* An insured depository institution may submit a written request for revision of the computation of any special assessment or shortfall special assessment pursuant to this part consistent with § 327.3(f).

(n) *Special assessment collection in excess of losses.* Any special assessment collected under this section that exceeds the losses to the Deposit Insurance Fund, as of termination of the receiverships to which the March 12, 2023, systemic risk determination applied, shall be placed in the Deposit Insurance Fund.

(o) *Rule of construction.* Nothing in this section shall prevent the FDIC from imposing additional special assessments as required to recover current or future losses to the Deposit Insurance Fund resulting from any systemic risk determination under 12 U.S.C. 1823(c)(4)(G).

(p) *Assessment offsets.* The FDIC will provide offsets, in accordance with this paragraph (p), to the quarterly risk-based assessments calculated under § 327.3(b)(1), of institutions that have paid the special assessment.

(1) *Timing.* Assessment offsets will be provided if the aggregate amount of the special assessment collected exceeds the losses to the Deposit Insurance Fund as of:

(i) The final unappealable judgment or settlement of the litigation between the FDIC and SVB Financial Trust (Case No. 5:24-cv-01321-BLF, U.S. District Court for the Northern District of California); and

(ii) The termination of the receiverships to which the March 12, 2023, systemic risk determination applied.

(2) *Application of offsets.* Assessment offsets will be included on the quarterly certified statement invoice(s) for the assessment period following the timing provisions in paragraphs (p)(1)(i) and (ii) of this section, if applicable.

(3) *Calculation.* To determine an institution's offset amount, the FDIC will calculate the percentage that an insured depository institution contributed towards the total amount of the special assessment collected and then multiply that percentage by the amount of special assessment collected in excess of losses to the Deposit Insurance Fund at the time of the calculation.

(4) *Mergers, consolidations, and other terminations of insurance.* An offset under this paragraph (p) shall be provided to the surviving or resulting

insured depository institution that acquired, merged with, or acquired all or substantially all of the assets, or assumes all or substantially all of the deposit liabilities, of an insured depository that paid the special assessment. No offset, credit, or refund will be provided to an institution with an insured status that has been terminated, and for which the deposit liabilities of such institution were not assumed by another insured depository institution.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, December 16, 2025.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2025–23425 Filed 12–18–25; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 120, 142, and 413

[Docket No. FAA–2024–0021; Amendment Nos. 120–4, 142–12, and 413–14]

RIN 2120–AL84

Falsification, Reproduction, Alteration, Omission, or Incorrect Statements

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Correcting amendments.

SUMMARY: On September 3, 2025, FAA published a final rule titled “Falsification, Reproduction, Alteration, Omission, or Incorrect Statements”. That final rule incorrectly deleted three sections of Title 14 of the Code of Federal Regulations rather than the intended one paragraph in each of those sections. This document corrects the final regulations.

DATES: Effective December 19, 2025.

FOR FURTHER INFORMATION CONTACT:

Jessica E. Kabaz-Gomez, Senior Attorney, Aviation Litigation Division, AGC–300, Federal Aviation Administration, Office of the Chief Counsel, 800 Independence Avenue SW, Washington, DC 20591; email jessica.kabaz-gomez@faa.gov.

SUPPLEMENTARY INFORMATION: On September 3, 2025, the “Falsification, Reproduction, Alteration, Omission, or Incorrect Statements” final rule (RIN 2120–AL84) was published in the **Federal Register** at 90 FR 42517. That final rule amended, restructured, and consolidated the falsification

regulations presently located throughout Title 14 of the Code of Federal Regulations. In addition, that rule also created a falsification prohibition applicable to the regulations governing commercial space transportation. After publication, FAA discovered that three sections, 120.103, 142.11, and 413.17, were inadvertently removed. This was not FAA’s intent. Rather, FAA sought to remove and reserve paragraphs 120.103(e), 142.11(e)(3), and 413.17(c).

This document places §§ 120.103, 142.11, and 413.17 back in Title 14 of the Code of Federal Regulations. These sections read the same as they did prior to the publication of the final rule, with the exception of removing and reserving paragraphs 120.103(e), 142.11(e)(3), and 413.17(c).

List of Subjects

14 CFR Part 120

Air carriers, Air traffic controllers, Airmen, Alcohol abuse, Alcoholism, Aviation safety, Drug abuse, Drug testing, Reporting and recordkeeping requirements, Safety, Transportation.

14 CFR Part 142

Aircraft, Airmen, Aviation safety, Educational facilities, Reporting and recordkeeping requirements, Schools, Students, Teachers.

14 CFR Part 413

Confidential business information, Reporting and recordkeeping requirements, Rockets, Safety, Space transportation and exploration.

PART 120—DRUG AND ALCOHOL TESTING PROGRAM

■ 1. The authority citation for part 120 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40101–40103, 40113, 40120, 41706, 41721, 44106, 44701, 44702, 44703, 44709, 44710, 44711, 45101–45105, 46105, 46306.

■ 2. Add § 120.103 to read as follows:

§ 120.103 General.

(a) *Purpose.* The purpose of this subpart is to establish a program designed to help prevent accidents and injuries resulting from the use of prohibited drugs by employees who perform safety-sensitive functions.

(b) *DOT procedures.* (1) Each employer shall ensure that drug testing programs conducted pursuant to 14 CFR parts 65, 91, 121, and 135 comply with the requirements of this subpart and the “Procedures for Transportation Workplace Drug Testing Programs” published by the Department of Transportation (DOT) (49 CFR part 40).

(2) An employer may not use or contract with any drug testing laboratory that is not certified by the Department of Health and Human Services (HHS) under the National Laboratory Certification Program.

(c) *Employer responsibility.* As an employer, you are responsible for all actions of your officials, representatives, and service agents in carrying out the requirements of this subpart and 49 CFR part 40.

(d) *Applicable Federal regulations.* The following applicable regulations appear in 49 CFR or 14 CFR:

(1) 49 CFR part 40—Procedures for Transportation Workplace Drug Testing Programs.

(2) 14 CFR:

(i) § 67.107—First-Class Airman Medical Certificate, Mental.

(ii) § 67.207—Second-Class Airman Medical Certificate, Mental.

(iii) § 67.307—Third-Class Airman Medical Certificate, Mental.

(iv) § 91.147—Passenger carrying flight for compensation or hire.

(v) § 135.1—Applicability.

(e) [RESERVED].

PART 142—TRAINING CENTERS

■ 3. The authority citation for part 142 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40113, 40119, 44101, 44701–44703, 44705, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 4. Add § 142.11 to read as follows:

§ 142.11 Application for issuance or amendment.

(a) An application for a training center certificate and training specifications shall—

(1) Be made on a form and in a manner prescribed by the Administrator;

(2) Be filed with the responsible Flight Standards office for the area in which the applicant’s principal business office is located; and

(3) Be made at least 120 calendar days before the beginning of any proposed training or 60 calendar days before effecting an amendment to any approved training, unless a shorter filing period is approved by the Administrator.

(b) Each application for a training center certificate and training specification shall provide—

(1) A statement showing that the minimum qualification requirements for each management position are met or exceeded;

(2) A statement acknowledging that the applicant shall notify the Administrator within 10 working days of any change made in the assignment

of persons in the required management positions;

(3) The proposed training authorizations and training specifications requested by the applicant;

(4) The proposed evaluation authorization;

(5) A description of the flight training equipment that the applicant proposes to use;

(6) A description of the applicant's training facilities, equipment, qualifications of personnel to be used, and proposed evaluation plans;

(7) A training program curriculum, including syllabi, outlines, courseware, procedures, and documentation to support the items required in subpart B of this part, upon request by the Administrator;

(8) A description of a recordkeeping system that will identify and document the details of training, qualification, and certification of students, instructors, and evaluators;

(9) A description of quality control measures proposed; and

(10) A method of demonstrating the applicant's qualification and ability to provide training for a certificate or rating in fewer than the minimum hours prescribed in part 61 of this chapter if the applicant proposes to do so.

(c) The facilities and equipment described in paragraph (b)(6) of this section shall—

(1) Be available for inspection and evaluation prior to approval; and

(2) Be in place and operational at the location of the proposed training center prior to issuance of a certificate under this part.

(d) An applicant who meets the requirements of this part and is approved by the Administrator is entitled to—

(1) A training center certificate containing all business names included on the application under which the certificate holder may conduct operations and the address of each business office used by the certificate holder; and

(2) Training specifications, issued by the Administrator to the certificate holder, containing—

(i) The type of training authorized, including approved courses;

(ii) The category, class, and type of aircraft that may be used for training, testing, and checking;

(iii) For each flight simulator or flight training device, the make model, and series of aircraft or the set of aircraft being simulated and the qualification level assigned;

(iv) For each flight simulator and flight training device subject to

qualification evaluation by the Administrator, the identification number assigned by the FAA;

(v) The name and address of all satellite training centers, and the approved courses offered at each satellite training center;

(vi) Authorized deviations or waivers from this part; and

(vii) Any other items the Administrator may require or allow.

(e) The Administrator may deny, suspend, revoke, or terminate a certificate under this part if the Administrator finds that the applicant or the certificate holder—

(1) Held a training center certificate that was revoked, suspended, or terminated within the previous 5 years; or

(2) Employs or proposes to employ a person who—

(i) Was previously employed in a management or supervisory position by the holder of a training center certificate that was revoked, suspended, or terminated within the previous 5 years;

(ii) Exercised control over any certificate holder whose certificate has been revoked, suspended, or terminated within the last 5 years; and

(iii) Contributed materially to the revocation, suspension, or termination of that certificate and who will be employed in a management or supervisory position, or who will be in control of or have a substantial ownership interest in the training center.

(3) [RESERVED];

(4) Should not be granted a certificate if the grant would not foster aviation safety.

(f) At any time, the Administrator may amend a training center certificate—

(1) On the Administrator's own initiative, under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429), as amended, and part 13 of this chapter; or

(2) Upon timely application by the certificate holder.

(g) The certificate holder must file an application to amend a training center certificate at least 60 calendar days prior to the applicant's proposed effective amendment date unless a different filing period is approved by the Administrator.

PART 413—LICENSE APPLICATION PROCEDURES

■ 5. The authority citation for part 413 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 6. Add § 413.17 to read as follows:

§ 413.17 Continuing accuracy of application; supplemental information; amendment.

(a) An applicant must ensure the continuing accuracy and completeness of information furnished to the FAA as part of a pending license or permit application. If at any time the information an applicant provides is no longer accurate and complete in all material respects, the applicant must submit new or corrected information. As part of this submission, the applicant must recertify the accuracy and completeness of the application under § 413.7. If an applicant does not comply with any of the requirements set forth in this paragraph, the FAA can deny the license or permit application.

(b) An applicant may amend or supplement a license or permit application at any time before the FAA issues or transfers the license or permit.

(c) [RESERVED].

Issued under authority provided by 49 U.S.C. 106(f), 40113, 44701–44709, 46111, 46103, and 46301 in Washington, DC.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2025–23414 Filed 12–18–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 882

[Docket No. FDA–2025–N–6025]

Medical Devices; Neurological Devices; Classification of the Electrical Tongue Nerve Stimulator To Treat Motor Deficits

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is classifying the electrical tongue nerve stimulator to treat motor deficits into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the classification of the electrical tongue nerve stimulator to treat motor deficits. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective December 19, 2025. The classification was applicable on March 25, 2021.

FOR FURTHER INFORMATION CONTACT: Ozell Sanders, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4524, Silver Spring, MD 20993-0002, 301-796-3126, Ozell.Sanders@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the electrical tongue nerve stimulator to treat motor deficits as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as "postamendments devices" because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section

510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through "De Novo" classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105-115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112-144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or

premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining "substantial equivalence"). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On August 4, 2020, FDA received Helius Medical Inc.'s request for De Novo classification of the Portable Neuromodulation Stimulator (PoNS). FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on March 25, 2021, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 882.5889.¹ We have named the generic type of device "electrical tongue nerve stimulator to treat motor deficits," and it is identified as a prescription device that consists of a non-implantable apparatus to generate electrical pulses for stimulation of the nerves in the tongue to provide treatment of motor deficits.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—ELECTRICAL TONGUE NERVE STIMULATOR TO TREAT MOTOR DEFICITS RISKS AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
Adverse tissue reaction	Biocompatibility evaluation.

¹ FDA notes that the **ACTION** caption for this final order is styled as "Final amendment; final order," rather than "Final order." Beginning in December 2019, this editorial change was made to indicate

that the document "amends" the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44

U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

TABLE 1—ELECTRICAL TONGUE NERVE STIMULATOR TO TREAT MOTOR DEFICITS RISKS AND MITIGATION MEASURES—Continued

Identified risks to health	Mitigation measures
Thermal, electrical, or mechanical fault, or system malfunction resulting in tissue damage due to overstimulation or thermal injury (e.g., burn/shock) to user.	Electrical, mechanical, and thermal safety testing; Electromagnetic compatibility testing; Battery safety testing; Non-clinical performance testing; Software validation, verification and hazard analysis; and Labeling.
Use error that may result in user discomfort or injury	Labeling.
Device contamination resulting in patient illness	Labeling.
Adverse events involving the mouth, tongue, or gums such as irritation and discomfort.	Labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

Under the FD&C Act, submission of a premarket notification under section 510(k) (21 U.S.C. 360(k)) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m). At this time FDA has not made this determination for electrical tongue nerve stimulators to treat motor deficits. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

At the time of classification, the electrical tongue nerve stimulator to treat motor deficits is for prescription use only. Prescription devices are exempt from the requirement for adequate directions for use for the layperson under section 502(f)(1) of the FD&C Act (21 U.S.C. 352(f)(1)) and 21 CFR 801.5, as long as the conditions of 21 CFR 801.109 are met.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget

(OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 882

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 882 is amended as follows:

PART 882—NEUROLOGICAL DEVICES

■ 1. The authority citation for part 882 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 882.5889 to subpart F to read as follows:

§ 882.5889 Electrical tongue nerve stimulator to treat motor deficits.

(a) *Identification.* An electrical tongue nerve stimulator to treat motor deficits is a prescription device that consists of a non-implantable apparatus to generate electrical pulses for stimulation of the nerves in the tongue to provide treatment of motor deficits.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Performance data must demonstrate that all patient-contacting components of the device are biocompatible.

(2) Performance data must demonstrate the electromagnetic compatibility, battery safety, and electrical, mechanical, and thermal safety of the device.

(3) Non-clinical performance testing must characterize the electrical stimulation parameters of the device.

(4) Software verification, validation, and hazard analysis must be performed. Software documentation must include an assessment of the impact of threats and vulnerabilities on device functionality and end users as part of cybersecurity review.

(5) Labeling must include:

- (i) A detailed summary of the device's technical parameters;
- (ii) Instructions for use;
- (iii) Cleaning, storage, and charging instructions; and
- (iv) Disposal instructions.

Lowell M. Zeta,

Acting Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–23413 Filed 12–18–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 58

[TD 10037]

RIN 1545–BQ59

Excise Tax on Repurchase of Corporate Stock; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final rule; correction and correcting amendments.

SUMMARY: This document includes corrections to Treasury Decision 10037 published in the **Federal Register** on Monday, November 24, 2025. Treasury

Decision 10037 contains final regulations that provide guidance regarding the application of the excise tax on repurchases of corporate stock made after December 31, 2022.

DATES:

Effective date: These corrections are effective on December 19, 2025.

Applicability date: For dates of applicability, see §§ 1.1275–6(f)(12)(iii)(B), 58.4501–6, 58.4501–7(r), and 58.6011–1(d).

FOR FURTHER INFORMATION CONTACT:

Concerning § 58.4501–7, Brittany N. Dobi of the Office of Associate Chief Counsel (International) at (202) 317–5469 (not a toll-free number). For all other issues, Kailee H. Hock of the Office of Associate Chief Counsel (Corporate) at (202) 317–3181 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 10037) subject to these corrections are issued under sections 1275, 4501, and 6011 of the Internal Revenue Code (Code).

Correction of Publication

Accordingly, FR Doc. 2025–20721 (TD 10037), appearing on page 53144 in the Federal Register on Monday, November 24, 2025, is corrected as follows:

1. On page 53150, in the second column, in the first full paragraph, the sixth line from the top of the paragraph is corrected to read “purposes. See § 1.368–2(m)(3)(iii)”.

2. On page 53150, in the third column, in the second full paragraph, the sixth line from the top of the paragraph is corrected to read “§ 1.368–2(m)(3)(iii)), and because such a”.

List of Subjects in 26 CFR Part 58

Excise taxes, Stocks, Reporting and recordkeeping requirements.

Correction to the Regulations

Accordingly, 26 CFR part 58 is corrected by making the following correcting amendments:

PART 58—STOCK REPURCHASE EXCISE TAX

■ Paragraph 1. The authority citation for part 58 continues to read in part as follows:

Authority: 26 U.S.C. 4501(f) and 7805.

■ Par. 2. Section 58.4501–5 is amended by removing the first two sentences of paragraph (b)(11)(ii) and revising the last sentence of paragraph (b)(11)(iii) to read as follows:

§ 58.4501–5 Examples.

* * * * *

(b) * * *
(11) * * *
(iii) * * * Consequently, Corporation X’s stock repurchase excise tax base for its 2025 taxable year is \$20x (\$100x – \$80x).

* * * * *

Oluwafunmilayo A. Taylor,

Chief, Publications and Regulations Section,
Associate Chief Counsel. (Procedure and Administration)

[FR Doc. 2025–23460 Filed 12–18–25; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–1099]

RIN 1625–AA00

Safety Zone; Fireworks Display, Ohio River Mile Marker 73 to 74, Wellsburg, WV

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 Ohio River from Mile Marker 73 to Mile Marker 74 in Wellsburg, WV. This action is necessary to provide for the safety of life on these navigable waters from potential hazards during the Wellsburg New Years Eve Celebration Fireworks Display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Pittsburgh or a designated representative.

DATES: This rule is effective from 11 p.m. on December 31, 2025, until 1 a.m. on January 1, 2026.

ADDRESSES: To view available documents, go to <https://www.regulations.gov> and search for USCG–2025–1099.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Petty Officer Brett Lanzel, MSU Pittsburgh, U.S. Coast Guard; telephone 206–815–6624, or email Brett.J.Lanzel@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 vessel on the Ohio River near Wellsburg, WV. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port (COTP) Pittsburgh has determined that potential hazards associated with fireworks are a safety concern for anyone on the Ohio River within a one mile area 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 not provided notice of this event with sufficient time to publish an NPRM and consider public comments before the safety zone must be established on December 31, 2025.

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 11 p.m. on December 31, 2025 until 1 a.m. on January 1, 2026. The safety zone will cover all navigable waters within the one-mile area between Mile Markers 73 and 74 on the Ohio River, near Wellsburg, WV. 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 involves a temporary 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; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T08–1099 to read as follows:

§ 165.T08–1099 Safety Zone; Fireworks Display, Ohio River Mile Marker 73 to 74, Wellsburg, WV.

(a) *Location.* The following area is a safety zone: All navigable waters on the Ohio River between Mile marker 73 and mile marker 74.

(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 Pittsburgh (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 on VHF–FM channel 16 or through Marine Safety Unit Pittsburgh at (206) 815–6624. 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 11 p.m. on December 31, 2025 until 1 a.m. on January 1, 2026.

Justin R. Jolley,

Commander, U.S. Coast Guard, Captain of the Port MSU Pittsburgh.

[FR Doc. 2025–23412 Filed 12–18–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–1123]

RIN 1625–AA00

Safety Zone; La Quinta Channel, Ingleside, TX

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 La Quinta Ship Channel. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the removal of submerged dredge pipeline. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Corpus Christi.

DATES: This rule is effective without actual notice from December 19, 2025 through December 24, 2025. For the purposes of enforcement, actual notice will be used from December 18, 2025, until December 19, 2025. The Coast Guard anticipates that this rule will be enforced only one day during this period. The day and time of enforcement will depend on the weather conditions and will be announced to the public in advance.

ADDRESSES: To view available documents go to <https://www.regulations.gov> and search for USCG–2025–1123.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Timothy Cardenas, Waterways Management, U.S. Coast Guard; 361–244–4784, email Timothy.J.Cardenas@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 Callan Marine will be removing submerged pipeline within the La Quinta Channel near Ingleside, TX. Hazards from this project include but are not limited to deployment of heavy equipment which will obstruct vessel traffic, continuous diving operation, and various other activities which create underwater hazards for workers and the public. The Captain of the Port (COTP) Corpus Christi has determined that potential hazards associated with installation of submerged pipeline are a safety concern for anyone within the work area. 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 December 12, 2025, but we must establish this safety zone by December 18, 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 December 18, 2025, to December 24, 2025. The day and time of enforcement will depend on the weather conditions and will be announced to the public in advance. The safety zone will cover all navigable waters in the La Quinta Ship Channel within the following points: Point 1 at 27°49'26.74" N, 97°13'38.82" W; thence to Point 2 at 27°49'29.86" N, 97°13'29.48" W; thence to Point 3 at 27°49'13.55" N, 97°13'10.17" W thence to Point 4 at 27°49'9.49" N, 97°13'27.31" W; thence returning to Point 1.

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.T08–1123 to read as follows:

§ 165.T08–1123 Safety Zone; La Quinta Channel, Ingleside, TX.

(a) *Location.* The following area is a safety zone: The following area is a safety zone: All waters of La Quinta Ship Channel encompassed by a line connecting the following points: Point 1 at 27°49'26.74" N, 97°13'38.82" W; thence to Point 2 at 27°49'29.86" N, 97°13'29.48" W; thence to Point 3 at 27°49'13.55" N, 97°13'10.17" W thence to Point 4 at 27°49'9.49" N, 97°13'27.31" W; thence returning to Point 1. These coordinates are based on World Geodetic System (WGS) 84.

(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 Corpus Christi (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 on VHF-FM channel 16 or by telephone at (800) 874-2143. 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 is effective from December 18, 2025, through December 24, 2025, but will be subject to enforcement one day during this period during the installation of a submerged dredge pipeline. The enforcement day and times will be announced over Channel 16 VHF-FM (156.8 MHz), Broadcast Notices to Mariners, and Safety Marine Information Broadcasts.

T.H. Bertheau,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2025-23486 Filed 12-18-25; 8:45 am]

BILLING CODE 9110-04-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201, 202

[Docket No. 2024-2]

Group Registration of Two-Dimensional Artwork

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is creating a new group registration option for two-dimensional artwork. This option will allow applicants to register up to twenty works published within one calendar year by submitting a single online application with a digital deposit copy of each work. The Office will examine each work to determine if it contains a sufficient amount of creative pictorial or graphic authorship. If the Office registers the claim, the registration will cover each artwork in the group as a separate work of authorship.

DATES: Effective February 17, 2026.

FOR FURTHER INFORMATION CONTACT: Rhea Efthimiadis, Assistant to the

General Counsel, by email at meft@copyright.gov, or by telephone at 202-707-8350.

SUPPLEMENTARY INFORMATION:

I. Background ¹

The Copyright Act authorizes the Register of Copyrights to specify by regulation the administrative classes of works available for the purpose of registration and the deposit required for each class.² The Act also gives the Register the discretion to allow registration of groups of related works with one application and filing fee.³ Pursuant to her authority to establish group registration options, the Register has issued regulations permitting group registrations for several types of works, including news websites, newspapers, newsletters and serials, unpublished and published photographs, contributions to periodicals, secure test items, works on an album of music, short online literary works, and database updates.⁴

The Office initiated this rulemaking after receiving requests from stakeholders to establish a new group registration option for two-dimensional artwork.⁵ Stakeholder groups

¹ Comments received in response to the notice of proposed rulemaking are referenced by party name (abbreviated where appropriate) followed by "Comments." Additionally, this document references a number of prior rulemakings in which commenters have requested group registration, including: 80 FR 23054 (Apr. 24, 2015) ("Visual Works NOI"); 81 FR 86643 (Dec. 1, 2016) ("Group Photographs NPRM"); 83 FR 24054 (May 24, 2018) ("2019 Fee Study NPRM"); 83 FR 52336 (Oct. 17, 2018) ("Registration Modernization NOI"); and 86 FR 70540 (Dec. 10, 2021) ("Deferred Registration Examination Study NOI").

² 17 U.S.C. 408(c)(1).

³ *Id.*

⁴ 37 CFR 202.3(b)(5), 202.4(c)-(k), (m), (o).

⁵ Copyright Alliance, Comments in Response to Deferred Registration Examination Study NOI, at 31 (Jan. 24, 2022) (urging the Office to create "a group registration option for illustrations"); Coalition of Visual Artists ("Coalition"), Comments in Response to 2019 Fee Study NPRM, at 35 (May 24, 2018) ("We believe that the current [Group Registration of Published Photographs ("GRPPH")] and [Group Registration of Unpublished Photographs] group registrations should be expanded to include all such two-dimensional visual works, including without limitation, illustrations, graphic art, video clips, textile arts or visual art in any medium."); Coalition, Comments in Response to Group Photographs NPRM, at 60 (Jan. 30, 2017) (asking the Office to "[a]llow group registration for all two-dimensional artworks (visual works)"); Graphic Artists Guild, Comments in Response to Visual Works NOI, at 9 (July 20, 2015) (requesting "a new ruling to allow Group registration for illustration and graphic design; for all visual works, not just photographs"); Ass'n of Med. Illustrators ("AMI"), Comments in Response to Registration Modernization NOI, at 9 (Jan. 15, 2019) ("[AMI] wishes to emphasize that the option of group registration for multiple published images for a single, reasonable fee should be available for works of visual art . . ."); Shaftel & Schmelzer, Comments in Response to Registration

representing artists identified several common features of two-dimensional artwork, including its distinct vulnerability to downstream infringement⁶ and the significant number of works some artists produce each year.⁷ Stakeholders also stated that, despite infringement concerns, most artists do not engage with the Office's registration system due to the cost of registering individual works relative to their potential revenue, the lack of time and resources necessary to register multiple individual works, and unfamiliarity or difficulty with the registration process.⁸

On February 15, 2024, the Office published a Notice of Proposed Rulemaking ("NPRM") to establish a new group registration option for two-dimensional artwork, recognizing the challenges facing artists and a "legitimate need" for a new group registration option.⁹ The NPRM proposed allowing an applicant to register a group of up to ten works published within a thirty-day time period by submitting a single online application with a digital deposit copy of each work. Each work included would have to be a single two-dimensional pictorial or graphic work, such as a painting, sketch, or character artwork; three-dimensional works, works consisting of multiple images, and architectural works or technical drawings would not be eligible for this group registration option. The proposed rule stated that the Office would examine each work to determine if it contains a sufficient amount of creative pictorial or graphic authorship for copyright protection. If registered, each artwork would be considered a separate work of authorship. The rule also included a requirement that each work in the group be created by the same author, who is also the copyright claimant for each work. Finally, applicants would be required to identify the title and publication date for each work, and to submit their claims

Modernization NOI, at 30-31 (Jan. 11, 2019) ("The Graphic Artists Guild has been on record to the Copyright Office asking to include illustration and graphic art in the Group registration category since 1999; at every Roundtable discussion, annual meeting, and nearly every NOI comment letter for the last 20 years." (footnote omitted)).

⁶ Downstream infringement involves the unauthorized use of copyrighted material by companies or individuals further removed from the artist-to-client relationship.

⁷ Group Registration of Two-Dimensional Artwork, 89 FR 11789, 11789-90 (Feb. 15, 2024) ("NPRM").

⁸ *Id.* at 11790. Multiple commenters echoed these concerns. See, e.g., Coalition Comments at 31; Artists Rights Society Comment at 3; Copyright Alliance Comments at 3.

⁹ NPRM at 11789.

through the online copyright registration system, using an application specific to this group registration option.

The Office received fourteen comments in response to the NPRM. Almost all commenters supported the Office's proposal to create the new group registration option.¹⁰ Some requested modifications to the rule, and three expressly conditioned their support on substantive changes, which would substantially change the rule's scope.¹¹ In general, commenters proposed expanding eligibility: increasing the number of works that can be included, lengthening the time period during which all works within the application must be published (and clarifying the publication dates), and permitting the inclusion of additional types of works. Some commenters proposed including three-dimensional works; others proposed permitting works by joint authors, and revising the works made for hire and author/claimant requirements. Several commenters also proposed alternative procedures for amending or annotating the submitted registration record; adjusting the filing fee; and using an alternative application form. Finally, one commenter suggested the Office permit applicants to "choose the name for their group of works being registered."¹² The Office has reviewed and carefully considered each of the comments.

The final rule adopts the proposed rule with two clarifications and two modifications expanding the number of works that can be included and the time period within which they have been published, as described below. With respect to requests that the scope of the rule be expanded further, the Office will closely monitor the use of the new group option and determine whether future consideration is warranted.

¹⁰ See generally Am. Intell. Prop. L. Ass'n ("AIPLA") Comments; Jason Aquilino Comments; Artists Rights Society Comments; AMI Comments; Chris Faircloth Comments; Elizabeth Townsend Gard et al. Comments; Kernochan Center Comments; Nat'l Soc'y of Ent. & Arts Laws. ("NSEAL") Comments; Damian P Comments. One commenter took no position on the NPRM's primary focus. See Am. Ass'n of Indep. Music & Recording Indus. Ass'n of Am., Inc. ("AZIM & RIAA") Comments at 2 ("Commenters express no position on the primary focus of the NPRM—whether the Office should create a new group registration option for two-dimensional artwork—or on the details of how such an option would or should be implemented."). The Office also received one terse anonymous comment. See Anonymous Comments ("Terrible").

¹¹ See generally Coalition Comments; Copyright Alliance Comments; Joshua Kaufman Comments.

¹² Coalition Comments at 21.

II. The Final Rule

A. Eligibility Requirements

1. Types of Works That May Be Included

In the NPRM, the Office proposed limiting this group registration option to "a pictorial or graphic work that has been fixed in a two-dimensional form," such as character artwork or logos. It proposed that each pictorial or graphic work within the group consist of "no more than a single pictorial or graphic work, such as one drawing, one illustration, one comic strip, or one fabric design, and the work must be deposited in one uploaded file." Several commenters urged the Office to expand the rule to include other types of works, including three-dimensional works, architectural works or technical drawings, and applied art.¹³ The Coalition of Visual Artists ("Coalition") stated that these works "involve the same review for copyrightability as the USCO proposes in the Rule."¹⁴ Two commenters also specifically asserted that any distinction between two- and three-dimensional works is "arbitrary" because "in most instances the deposit copies provided in both [] are going to be the same."¹⁵ Professors Elizabeth Townsend Gard and Blaze D'Amico further stated that the proposed rule "puts a burdensome disadvantage on 3d artwork," and "promot[es] an outmoded concept of art as binary."¹⁶ The Copyright Alliance also sought "[m]ore clarification" on how "burdensome" the examination process is for three-dimensional works versus two-dimensional works to "better understand why these works have been

¹³ See AIPLA Comments at 1 ("We encourage the office to revisit [the three-dimensional works] issue in the future, as the need among creators for group registration options for three-dimensional works may change in the coming years."); Copyright Alliance Comments at 11 ("The Office's discussion of three-dimensional (3D) works in this NPRM only highlights the need to enable applicants filing registrations for these works to use this registration option to cover both the 2D and 3D elements of a three-dimensional work in the same application."); Coalition Comments at 9 ("The USCO should permit 3D artists to submit multiple photos of a single 3D work showing all sides of the work as a single image for registration purposes. This is the only practical way for a 3D artist to register published works, works in production, and works offered for sale to the public."); Elizabeth Townsend Gard et al. Comments at 1–2 ("[W]e propose amending the new proposed application for artwork to reflect more accessibility for all artists, regardless of medium, with the recognition that many are concerned about protecting their work, whether they are commercial artists, professional artists, art students, or hobbyists."); Joshua Kaufman Comments.

¹⁴ Coalition Comments at 8.

¹⁵ *Id.* at 8–9; Copyright Alliance Comments at 11.

¹⁶ Elizabeth Townsend Gard et al. Comments at 2.

excluded."¹⁷ Other commenters, however, appeared satisfied with the types of works included in the NPRM.¹⁸

The Office understands stakeholders' desire to maximize group registration options, but declines to expand the rule to permit inclusion of three-dimensional and architectural works. First, a reasonable limit on the eligible types of works within a group is necessary to manage the administrative burden of examining group registrations. Inclusion of three-dimensional and architectural works in this group registration option would increase the time and cost of examination, as consideration of such works demands the application of legal standards that are not generally at issue for two-dimensional works. For instance, examiners considering three-dimensional and architectural works must often determine whether the works are useful articles, works of artistic craftsmanship, or building designs. In addition to applying the originality standard, consideration of architectural works requires examiners to determine whether the works' stationary habitual structures are intended for permanency and designed for human occupancy.¹⁹ Likewise, examining works of applied art requires examiners to apply the Supreme Court's two-step separability test to determine whether they serve a useful purpose or whether they contain pictorial, graphic, or sculptural features that can be identified and separated from the article's utilitarian aspects.²⁰ These issues do not generally arise in evaluation of claims for two-dimensional works.

Second, among the justifications for creating a group registration option for two-dimensional art is that visual artists are often prolific creators who produce a significant number of works each year.²¹ But the same premise does not appear to hold with respect to three-dimensional artworks. As the NPRM notes, the Coalition previously submitted survey results indicating that most three-dimensional artists produce between one and fifty works per year.²²

¹⁷ Copyright Alliance Comments at 12.

¹⁸ See Jason Aquilino Comments; AMI Comments at 2; Chris Faircloth Comments; Damian P Comments.

¹⁹ 37 CFR 202.11(b).

²⁰ See *Star Athletica, L.L.C. v. Varsity Brands, Inc.*, 580 U.S. 405, 409 (2017); U.S. Copyright Office, *Compendium of U.S. Copyright Office Practices* secs. 924, 925 (3d ed. 2021) ("*Compendium (Third)*"). These differences in legal considerations persist regardless of whether deposits for two- and three-dimensional works share common features (*i.e.*, where a claimant submits two-dimensional identifying material depicting three-dimensional works).

²¹ NPRM at 11789.

²² Compare NPRM at 11791 (quoting Coalition, Comments in Response to 2019 Fee Study NPRM,

Evidence submitted in response to the current NPRM does not undermine the Office's conclusion or establish that three-dimensional works are now created or distributed more rapidly. Although the Coalition provided updated survey results indicating that at least some artists create large numbers of works, several features of the new survey make it less relevant than the group's prior survey.²³ The new survey did not distinguish between respondents who typically create three-dimensional works and those who typically create two-dimensional works; and the survey sought information on "the *greatest number* of works [respondents] have created in one month" rather than their average rate of creation.²⁴ The question further instructed respondents to "includ[e] preliminary works (rough sketches, drafts, comps)" as well "final versions that may be shown to clients or others at any point in time or offered for sale."²⁵ The routine rate of production of two- and three-dimensional works appears to meaningfully differ and, at this time, stakeholders have not demonstrated a distinct need to include three-dimensional and architectural works in the new group registration option. To the extent that artists who create three-dimensional works produce a large number of preliminary works, the Office notes that some of these works may be eligible for an existing group registration option. The Group Registration of Unpublished Works ("GRUW") option allows creators to register up to ten sculptural works before they have been published, if all other requirements and eligibility criteria are met.

App. B, at 44 (Oct. 11, 2018), in which artists who typically create three-dimensional works were asked "[o]n the average . . . [h]ow many finished works of art/design do you produce in a year?" and "[m]ore than 63% of the participants said they produce between one and fifty works per year") with Coalition, Comments in Response to 2019 Fee Study NPRM, App. B, at 12 (Oct. 11, 2018) (in which artists who typically create two-dimensional works were asked the same question and approximately 45% of the participants said they produce between 51 and 1,000 works per year).

²³ See Coalition Comments, App. B. Similarly, while AIPLA stated that "3D printing" technology has made it relatively easy to create three-dimensional works, there is no indication that these works are a sizable portion or representative of three-dimensional works overall. AIPLA Comments at 1.

²⁴ Coalition Comments, App. B, at 4 (asking respondents to provide "the *greatest number* of works [they] have created in one month," rather than the average number of works per month).

²⁵ *Id.*, App. B, at 4 (emphasis added). Participants completing this survey included surface and textile designers, fine artists, sculptors, and jewelry designers. *Id.*, App. B, at 1–3.

2. Number of Works That May Be Included

The NPRM proposed that an applicant be permitted to include up to ten published pictorial or graphic works in each application. Several commenters requested modification of this requirement to include a greater number of works. Professors Gard and D'Amico recommended that the limit be increased to twenty works, similar to the Group Registration for Works on an Album of Music ("GRAM") option.²⁶ The National Society of Entertainment and Arts Lawyers ("NSEAL") proposed allowing applicants to register up to twenty-five works per application.²⁷ The Coalition suggested that the application permit "up to 100 works," stating that this limit would "accommodate the majority of artists."²⁸ Other commenters suggested that the proposed limit was too low but did not propose a specific alternative. The Copyright Alliance asserted that the limit was "too small" to make it a "sufficiently beneficial registration option," particularly when viewed in combination with the proposed rule's other limitations.²⁹ The Kernochan Center for Law, Media and the Arts asked that the Office "permit more works to be registered."³⁰

In response, the Office has modified the final rule to allow for up to twenty works per group. This number strikes an appropriate balance between making registration more accessible for creators and taking into account the Office's administrative capabilities.³¹ As stated

²⁶ Elizabeth Townsend Gard et al. Comments at 2, 15; see also *id.* at 17, 26–27 ("[W]e request the application form for art work be modified after the GRAM application, and have the following attributes. . . . 2–20 works."). As an alternative, they also suggested that there be no limitation on the number of works submitted, based off the Group Contributions to Periodical Option. See *id.* at 28.

²⁷ NSEAL Comments at 2.

²⁸ Coalition Comments at 13, 16. The Coalition also suggested that increasing the limit to 500 works "would include everyone's needs," based on its own assessment of its 2023 survey. *Id.* at 15–16.

²⁹ Copyright Alliance Comments at 7, 9.

³⁰ Kernochan Center Comments at 1–3. The Kernochan Center observed that the type of works that could be registered under the proposed application "appears materially smaller" than those under the Group Registration of Unpublished Works ("GRUW") application. It also requested that the Office acknowledge that examination times under the proposed group registration option "may be lower than GRUW examination times," due to the former's restrictions on the types of works permitted. *Id.* at 3. This assumption, however, may not be apt. Two-dimensional artwork accounts for the vast majority of claims submitted to the Visual Arts Division on the GRUW application and, as of yet, there is no basis to conclude that the amount of time needed to examine ten works submitted via GRUW or Group Registration of Two-Dimensional Artwork ("GR2D") will be markedly different.

³¹ See NPRM at 11791–94.

in the NPRM, examining visual art, including two-dimensional artwork, is a time-consuming process that requires care.³² Examiners must determine whether each work contains sufficient copyrightable authorship; this can involve a range of complex issues, such as determining the extent of any derivative authorship.³³ Increasing the number of permitted works to twenty is likely to increase the time necessary to examine some claims, but the Office is persuaded that this change is also likely to facilitate registration of more works—including works by creators who might not otherwise use the registration system. The Office will monitor utilization of the new group registration option to determine whether this number provides an effective limit, and whether the group option's application fee is sufficient to account for corresponding examination times.

3. Title Requirements

The proposed rule stated that applicants must provide the title for each work included in the group and that the electronic registration system would automatically add a title for the group as a whole that consists of the "title of the first work listed in the application followed by the phrase 'and [NUMBER] other published works' (depending on how many titles are entered in the application)."³⁴ The title for the group as a whole would be used to identify the registration in the online public record.³⁵

The Coalition expressed concern about the automatic addition of the title for the group as a whole.³⁶ It stated that the proposed rule's approach of using the title of the first work listed in the application is problematic, as it "may have no connection to the other works in the group and may not clearly describe the grouping" and "will likely result in mistakes."³⁷ The Coalition urged the Office to instead allow artists to choose their own name for the group of works, consistent with naming procedure for the Group Registration of

³² *Id.* at 11793.

³³ *Id.*

³⁴ *Id.* at 11794. The proposed rule also required an applicant to upload an electronic deposit copy of each work, with each file name assigned to each electronic deposit copy matching the corresponding title entered on the application. If a mismatch occurred, the proposed rule stated that an examiner may take certain actions without first communicating with the applicant. *Id.* at 11794 & n.60. The Office's position on this portion of the rulemaking and any responsive comments are discussed in a subsequent subsection.

³⁵ *Id.* at 11794.

³⁶ Coalition Comments at 21–22.

³⁷ *Id.*

Published Photographs (“GRPPH”) option.

The Office has revised this aspect of the rule to address this concern. The application will not add a system-generated title for the group as a whole, but instead will require applicants to create their own title for the group, similar to the GRPPH option.

4. Publication Requirements

In the NPRM, the Office proposed that the new group registration option be available only when all works in a group have been published within a thirty-day period.³⁸ The NPRM further explained the publication requirement, stating:

[T]he Office will generally accept that a work has been published when a visual artist distributes a copy to a client or other entity and authorizes them to retain, reproduce, redistribute, or display that copy (subject to any licenses or other restrictions that the artist may impose).³⁹

The NPRM also proposed that applicants be required to provide the earliest and most recent publication dates of works within the group, and the country where the works were first published.⁴⁰

i. Publication

The Coalition noted their appreciation for the NPRM’s “clear definition of ‘publication’ for artwork” and the Office’s effort “to help creative professionals more clearly understand the meaning” of the term.⁴¹ Still, commenters like the Copyright Alliance observed that “it [is] extremely difficult for creators of two-dimensional works to know when to register their works,” as “[v]isual artists often work on deadlines that are fluid and have quick turnaround times. Moreover, these artists often do not know when the revision process will end, resulting in a final version of the work.”⁴² In light of the challenges some artists face in determining the date of their works’ publication, Professors Gard and D’Amico suggested that the Office be “lenient” when people incorrectly identify a work as published or unpublished.⁴³

As the Office has stated in previous rulemakings, section 409 of the Copyright Act requires registration

applications to inquire about a work’s publication status, including the date and nation of the work’s first publication.⁴⁴ The Office, however, will generally accept an applicant’s statements about publication as true unless those statements are contradicted by information contained within the registration materials.⁴⁵

Two commenters asked the Office for clarification on whether applicants must list the specific publication date for each work or whether applicants need only provide the earliest and most recent publication date for works within the group.⁴⁶ The Office has clarified the final rule. The rule requires applicants to provide a date range for all the works within the group; to do so, applicants must state the earliest and most recent publication date (*i.e.*, month, day, and year) for the group.⁴⁷ When providing title information for each work within the group, applicants must also identify the month that each work was first published.⁴⁸ Applicants need not provide the exact publication date for each individual work.⁴⁹ As stated in the NPRM, applicants are also required to identify the country where the works were first published.⁵⁰

⁴⁴ 17 U.S.C. 409(8); *see also*, *e.g.*, 85 FR 37341, 37344–45 (June 22, 2020) (group registration of short online literary works final rule); 84 FR 3693, 3695–96 (Feb. 13, 2019) (group registration of unpublished works final rule).

⁴⁵ *See, e.g.*, *Compendium (Third)* sec. 1904.3; *see also* NPRM at 11795 (explaining the Office’s general rule on accepting applicants’ determinations).

⁴⁶ Coalition Comments at 22–23; Copyright Alliance Comments at 4 & n.2. *See* NPRM at 11791, 11794.

⁴⁷ This requirement is consistent with several other group registration options. *See, e.g.*, 37 CFR 202.4(i)(6) (necessitating that applicants for group registrations of published photographs “specify the earliest and latest date that the photographs were published”), (j)(2) (explaining that under the group registration for short online literary works applicants must “identify the earliest and latest date that the works were published”).

⁴⁸ This requirement allows the Office to ensure compliance with the rule’s calendar-year period. It is also consistent with other group registration options. *See, e.g.*, *id.* at 202.4(i)(10) (requiring applicants for group registration of published photographs to provide the title, file name, and month and year of publication for each photograph in the group), (j)(8) (requiring applicants of the group registration for short online literary works to provide the publication date of each work when providing the title and file name for each work).

⁴⁹ Should applicants choose to provide any additional information, such as the specific day and/or year that a particular work was published, that information may be added in the “Note to Copyright Office” section.

⁵⁰ To add the nation of first publication, applicants should select the name of the appropriate country from the drop-down menu marked “Nation of First Publication.” If the works were published in multiple countries, the names of the other countries may be provided in the “Note to Copyright Office” section.

ii. Expansion From Thirty-Day Limit to One-Year Limit

In response to the NPRM’s suggestion that works in a group must be published within a 30-day period, a number of commenters advocated for a longer time period.⁵¹ Commenters proposed specific time periods ranging from ninety (90) days to one calendar year.⁵² One commenter suggested that the Office eliminate the time period limitation altogether.⁵³ Association of Medical Illustrators asserted that enlarging the time frame would cause “no additional burden” for examiners, who have to determine whether each work within the group falls within the permissible publication date range, regardless of what that range is.⁵⁴

In light of this input, the final rule permits works published within the same calendar year to be registered as a group.⁵⁵ In other words, for a group of works published in 2025, both the work with the earliest publication date and the work with the most recent publication date must have been published in 2025 (*i.e.*, between 01/01/2025 and 12/31/2025).⁵⁶ Applicants will

⁵¹ *See* Kernochan Center Comments at 3 (expressing skepticism of the proposed timeframe, given that other group registration options have longer timeframes, and recommending instead that the Office “confer with authors of two-dimensional works to understand what publication timeline is reasonable”); Joshua Kaufman Comments (explaining that the timeframe renders the group registration option inapplicable to “almost all” fine artists, as they “rarely” publish works within thirty days); Copyright Alliance Comments at 9–10 (stating that the proposed timeframe is “too restrictive” and “extremely burdensome” because artists’ creative processes often exceeds thirty days). *C.f.* Jason Aquilino Comments (approving of 30-day period).

⁵² *See* AMI Comments at 2 (90-day timeframe would “allow creators more opportunity to efficiently group multiple iterations and derivatives of the same work into the same application,” resulting in fewer registration applications and simplifying examiners’ review processes); Coalition Comments at 3, 12, 27 (one calendar year timeframe aligns with other group registration options, such as GRPPH); NSEAL Comments at 2 (one calendar year timeframe alleviates the burden on applicants who may not publish within the proposed timeframe and furthers the Office’s “interest in protecting the quality and utility of public record”). Other commenters advocated for enlarging the time period, but did not provide a specific recommendation. *See supra* note 51.

⁵³ Elizabeth Townsend Gard et al. Comments at 3, 15, 27, 33 (proposing that the Office limit the thirty-day timeframe because it “does not reflect artists’ needs” and when viewed in conjunction with the proposed number of works permitted under this option).

⁵⁴ AMI Comments at 2.

⁵⁵ At this time, given administrative capabilities, the Office cannot expand the option to cover works published outside of the calendar-year range.

⁵⁶ Please note that to claim statutory damages or attorney’s fees in a copyright infringement lawsuit, a work must be registered before the infringement began or within three months after the first publication of the work. *See* 17 U.S.C. 412(c), 504,

³⁸ NPRM at 11794. This limitation applies regardless of whether works were first published in physical or electronic form.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Coalition Comments at 27 (stating that this clarification is “what visual artists have been [seeking from] the USCO for many years”).

⁴² Copyright Alliance Comments at 13.

⁴³ Elizabeth Townsend Gard et al. Comments at 3.

be required to identify the month that each work was published, and they may (but need not) provide a more specific date in the “(Note to Copyright Office.” The Office believes that this approach will ease some of the purported burdens faced by artists, while still protecting the quality and the utility of the public record.

5. Authorship and Ownership Requirements

The proposed rule would require that all works in a group be created by the same author, and the author be named as the copyright claimant even if a transfer of ownership has occurred.⁵⁷ Works made for hire would be eligible for this option, so long as the employer or commissioning party is named as the author and claimant on the application.⁵⁸ The option, however, would not be available to works created by two or more authors (*i.e.*, joint works).

Commenters praised the Office’s proposal to permit works made for hire under the option.⁵⁹ Four commenters, however, urged the Office to go further, allowing group registration of jointly authored works. These commenters noted that “many visual artists . . . collaborate . . . and frequently partner with other artists.”⁶⁰ Some contended that the rules for the GR2D and GRUW options should be consistent;⁶¹ others requested the eligibility criteria for GR2D to mirror that of GRAM, which permits works made for hire and works

created by multiple authors if there is a common joint author.⁶²

Having considered these requests, the Office maintains its conclusion that works created by common or joint authors should be ineligible for the GR2D option. Joint authorship claims add complexity to an already multifaceted examination, resulting in greater burden on the Office’s resources. Additionally, the Office is not persuaded that there is a compelling need to allow joint authorship claims within the GR2D option, in light of its experience with Standard and GRUW applications for visual art works—the vast majority of which name only one author per application.⁶³ Each group registration option is designed to accommodate copyright owners’ requests balanced against the Office’s need for an efficient method of examining, indexing, and cataloging each work—and not every group option entails the same balance. As described in the NPRM, the Office tailored the proposed GR2D rule to address the challenges facing individual artists and small businesses in registering two-dimensional artwork one work at a time, in light of concerns that these claimants often lack the time and resources required to register works individually.⁶⁴ While the Office recognizes commenters’ desire for a rule that sweeps even more broadly, the Office must balance the interests of copyright owners with the administrative burden of implementation. In light of the wide range of pictorial and graphic works, the doubling of the number of works permitted in each group in the final rule, and the modest fee set for this option, some limits on the types of claims permitted are necessary.

B. Filing Fee

The NPRM proposed an \$85 filing fee.⁶⁵ It explained that \$85 is the fee that currently applies to GRUW claims, and that the expected workflow associated with examining groups of two-dimensional artworks and GRUW claims are similar.⁶⁶

Commenters generally advocated for a lower fee.⁶⁷ The Coalition and the Copyright Alliance argued that the fee is “much too high, especially given the ten-work and thirty-day time period limitations.”⁶⁸ The Copyright Alliance acknowledged that “the rate for GR2D would be the same as GRUW at \$8.50 per work (if ten works are grouped together),” but claimed that that rate “is on the costlier side when compared to other group registration options.”⁶⁹

The final rule retains the \$85 fee, but responds to stakeholders’ concerns about affordability by allowing for the registration of more works per group. By amending the rule to permit applicants to register up to twenty works published within one calendar year,⁷⁰ the Office has effectively reduced the per-work cost of registration by half, to \$4.25 per work.

C. Application Requirements

The NPRM explained that the Office plans to adapt one of its existing group registration application forms to avoid delaying the implementation of the new group option for visual artists. Specifically, the Office stated that it would modify the GRUW application to create the GR2D form. While the Copyright Alliance advised the Office to start from scratch, other commenters urged the Office to model the GR2D application after the GRAM, GRPPH, or Contributions to Periodicals forms, all of which permit inclusion of works published within a twelve-month period.⁷¹

The Office has tailored the application to suit the eligibility and application requirements described in the final rule. Specific instructions on how to complete the new application will be provided on the application itself and through the Office’s traditional channels, including its website, Circulars, and/or Chapter 1100 of the *Compendium of U.S. Copyright Office Practices* (“*Compendium*”). In addition, the Office intends to offer a video providing step-by-step instructions on how to complete the form.

⁵⁰⁵ Thus, to maximize potential benefits under the law, applicants may choose to file claims on a quarterly basis (once every three months).

⁵⁷ As explained in the NPRM, this rule is consistent with the basic principle that an author may always be named as the copyright claimant, even if they do not own any of the exclusive rights when the claim is submitted.

⁵⁸ The rule does not permit applicants to register works created by an individual author together with works created pursuant to a work made for hire agreement. For example, if a small business commissioned a set of fabric designs through a work made for hire agreement and acquired another set of designs through an assignment of copyright from an individual author, the applicant would need to divide those designs into two groups and submit a separate GR2D application for each group—one with the small business named as the author/claimant and the work made for hire question answered “yes,” and the other with the individual author named as the author/claimant with the question answered “no.”

⁵⁹ Coalition Comments at 33–34; Copyright Alliance Comments at 12.

⁶⁰ Copyright Alliance Comments at 10; *see also* Coalition Comments at 23–24; Elizabeth Townsend Gard et al. Comments at 3; Damian P. Comments.

⁶¹ Coalition Comments at 27–28 (advocating for consistency between these rules, “especially because the [Office] advises artists to register their work before publication”); Copyright Alliance Comments at 11.

⁶² Elizabeth Townsend Gard et al. Comments at 26–27.

⁶³ Although the Copyright Alliance questioned the Office’s reliance on registration data, it provided no meaningfully workable alternative. Copyright Alliance Comments at 11 (stating that “[t]he fact that these joint authors do not register Standard and GRUW applications may say more about the registration system, confusion about registration requirements, and the type of authors who are presently register[ing] their works” than about the needs of visual artists).

⁶⁴ NPRM at 11790.

⁶⁵ *Id.* at 11796–97.

⁶⁶ *Id.*

⁶⁷ One commenter agreed that the \$85 proposed fee was reasonable. Elizabeth Townsend Gard et al. Comments at 27.

⁶⁸ Copyright Alliance Comments at 10; Coalition Comments at 31.

⁶⁹ Copyright Alliance Comments at 10.

⁷⁰ This fee will be reevaluated when the Office initiates its fee study.

⁷¹ Elizabeth Townsend Gard et al. Comments at 2; Kernochan Center Comments at 2; Copyright Alliance Comments at 9.

D. Amending or Annotating the Registration Record

Finally, the NPRM stated that the examiner would be permitted to amend or annotate the registration record without corresponding with the applicant, in certain circumstances. First, if an applicant were to submit a work that is ineligible for this group registration option, or submit more than the allowable number of works, the examiner would be permitted to remove the ineligible or additional titles and deposits from the registration record and send a post-registration email to the applicant explaining why the change was made. Second, if the titles and file names did not match, the examiner would be permitted to remove the mismatched titles and files from the registration record and send a post-registration email to explain the amendment.⁷² Third, if an applicant were to submit two-dimensional identifying material depicting a three-dimensional work of authorship (such as a drawing of a toy or a piece of jewelry), the examiner would be permitted to add an annotation to the record confirming that the registration does not cover any three-dimensional authorship that is shown in the deposit. Allowing examiners to avoid superfluous communications with applicants in these limited circumstances promotes efficient review, improving overall processing times for all applicants.⁷³

Multiple commenters raised concern that these policies would “allow copyright examiners to make unilateral changes to a copyright registration application to correct perceived mistakes or misunderstandings *without any input from or correspondence with the applicant*,” which “could result in a registration certificate that does not reflect the applicant’s intentions in filing the application.”⁷⁴ The Copyright

Alliance argued that “not allowing creators to correct mistakes in their applications before the registration certificate is issued or the application is rejected” may result in material losses for applicants seeking statutory damages in infringement actions.⁷⁵ Commenters urged the Office to clarify that “examiners are *not* permitted to make unilateral changes to a group registration of two-dimensional artwork but, instead, must communicate with the applicant before making any changes, just as examiners do with every other type of registration application.”⁷⁶

While the Office acknowledges these concerns, authorizing an appropriate level of examiner discretion is essential to ensure the efficient processing of claims. This is especially true here, where the permitted examiner amendments and annotations merely enforce the group option criteria. Moreover, contrary to commenters’ suggestions, the latitude the new rule allows examiners is consistent with longstanding Office policy and practice. The *Compendium* already permits examiners discretion to amend the registration record without communicating with an applicant where the issue may be clearly resolved via examination.⁷⁷ Likewise, the *Compendium* permits examiners to “annotate an application without communicating with the applicant if the annotation does not cast doubt on or raise a question concerning the validity of the registration.”⁷⁸

It would be infeasible for examiners to provide extensive correspondence when examining group registration claims involving multiple works. To the extent that they do so when examining Standard and Single Applications, that process imposes less administrative burdens than group registration. The

Comments at 10–11; Copyright Alliance Comments at 5–7.

⁷⁵ Copyright Alliance Comments at 5–7 (“If an applicant does not find out that their registration application doesn’t cover certain works until after the time period to be eligible for statutory damages has lapsed, they would not be able to recover statutory damages for infringement of that work.”).

⁷⁶ A2IM & RIAA Comments at 4; Copyright Alliance Comments at 5.

⁷⁷ *Compendium* (Third) secs. 603.2(A), 603.2(B).

⁷⁸ *Id.* at 604.

somewhat more limited communication described in the final rule is consistent with the Office’s implementation of these practices in its administration of the GRUW option. Based on this experience, the Office has found that an appropriate level of examiner discretion ensures an efficient and productive examination process.

The Office is strongly committed to assisting applicants as they navigate the registration system. It encourages applicants to take full advantage of the resources that the Office provides to aid them in registration, including the *Compendium* and educational Circulars, the webinars and other educational materials available on the Office’s website, and the dedicated specialists in the Office of Public Information and Education who are available to provide live, one-on-one support.

List of Subjects

37 CFR Part 201

Copyright, General provisions.

37 CFR Part 202

Copyright, Copyright claims, preregistration and registration.

Final Regulations

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR parts 201 and 202 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

Section 201.10 also issued under 17 U.S.C. 304.

■ 2. In § 201.3, amend table 1 to paragraph (c) by redesignating paragraphs (c)(10) through (c)(30) as (c)(11) through (c)(31), respectively, and adding a new paragraph (c)(10) to read as follows:

§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Section and the Copyright Claims Board.

* * * * *

(c) * * *

⁷² Additionally, reasoning that the system would automatically add a group title to the GR2D application, the NPRM stated that the examiner would remove any “collection” titles provided instead of or in addition to titles for the individual works. In response to commenters’ request, the system will not insert an automated group title. Instead, applicants should provide their own.

⁷³ *Compendium* (Third) sec. 605.3(B).

⁷⁴ A2IM & RIAA Comments at 2–3; AIPLA Comments at 2; AMI Comments at 2; Coalition

TABLE 1 TO PARAGRAPH (C)

Registration, recordation, and related services							Fees (\$)
	*	*	*	*	*	*	
(10) Registration of a claim in a group of unpublished works or a claim in a group of two-dimensional artwork							85
	*	*	*	*	*	*	

* * * * *

PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

■ 3. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 408(f), 702.

■ 4. Amend § 202.4 by:

■ a. Adding paragraph (l).

■ b. In paragraph (r), by removing “(k), or” and adding in its place “(k), (l), or”.

The addition reads as follows:

§ 202.4 Group registration.

* * * * *

(l) *Group registration of two-dimensional artwork.* Pursuant to the authority granted by 17 U.S.C. 408(c)(2), the Register of Copyrights has determined that a group of two-dimensional artwork may be registered in Class VA with one application, the required deposit, and the filing fee required by § 201.3(c) of this chapter if the following conditions are met:

(1) All the works in the group must be two-dimensional pictorial or graphic works, and each work must be comprised of no more than one pictorial or graphic work. The group may include up to twenty works, and the application must specify the total number of works that are included in the group. The group may not include any three-dimensional pictorial, graphic, or sculptural works, any architectural works, technical drawings, or works of applied art, any works comprised of multiple pictorial or graphic works, including compilations, collective works, databases, or websites. Claims in any form of authorship other than “2D artwork” or claims in the selection, coordination, or arrangement of the group as a whole will not be permitted on the application.

(2) The applicant must provide a title for each work in the group.

(3) All the works must be created by the same author, and the author must be named as the copyright claimant for each work in the group. The group may not include any works created by more than one author. The works may be

registered as works made for hire if they are identified in the application as such.

(4) All the works must be published within one calendar year, the applicant must specify the earliest and latest date that the works were published during the year and the month of publication for each work.

(5) The applicant must complete and submit the online application designated for a group of two-dimensional artwork. The application may be submitted by any of the parties listed in § 202.3(c)(1).

(6) The applicant must submit one complete copy of each work. The works must be assembled in an orderly form with each work contained in a separate electronic file. The file name for each work must match the title as submitted on the application. All of the works must be submitted in one of the electronic formats approved by the Office, and they must be uploaded to the electronic registration system. The file size for each uploaded file must not exceed 500 megabytes; the files may be compressed to comply with this requirement.

(7) In an exceptional case, the Copyright Office may waive the online filing requirement set forth in paragraph (l)(5) of this section or may grant special relief from the deposit requirement under § 202.20(d) of this chapter, subject to such conditions as the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant.

* * * * *

§ 202.6 [Amended]

■ 5. In § 202.6, amend paragraph (e)(2) by removing “or a group of works published on the same album registered under § 202.4(k),” and adding in its place “a group of works published on the same album registered under § 202.4(k), or a group of two-dimensional artwork under § 202.4(l).”.

Dated: December 16, 2025.

Shira Perlmutter,

Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Robert R. Newlen,

Acting Librarian of Congress.

[FR Doc. 2025–23402 Filed 12–18–25; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2025–1973; FRL–13080–01–OCSPP]

Flupyradifurone; Pesticide Tolerance for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of flupyradifurone, including its metabolites and degradates, in or on sugarcane, cane and sugarcane, molasses. This action is in response to EPA’s concurrence of a crisis exemption under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on sugarcane. This regulation establishes a maximum permissible level for residues of flupyradifurone in or on these commodities. The time-limited tolerances expire on December 31, 2028.

DATES: This rule is effective December 19, 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–2025–1973, is available at <https://www.regulations.gov>. Additional information about dockets generally, along with instructions for visiting the

docket in person, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (202) 566-1030; email address: RDNRNotices@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?

In accordance with the Federal Food, Drug, and Cosmetic Act (FFDCA) sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(l)(6), EPA is establishing time-limited tolerances for residues of flupyradifurone, including its metabolites and degradates, in or on sugarcane, cane at 3 parts per million (ppm) and sugarcane, molasses at 90 ppm. These time-limited tolerances expire on December 31, 2028.

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

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 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-2025-1973 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.

The 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 the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the 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. Background and Statutory Findings

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions related to FIFRA section 18 time-limited tolerances to set binding

precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative (*i.e.*, without having received any petition from an outside party).

FFDCA Section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA 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. Section 408(b)(2)(C) of FFDCA 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. . . ."

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA if EPA determines that "emergency conditions exist which require such exemption." EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Flupyradifurone on Sugarcane and FFDCA Tolerances

The Louisiana Department of Agriculture and Forestry (LDAF) utilized a crisis exemption under FIFRA for the use of flupyradifurone to control West Indian cane fly, sugarcane aphid, and yellow sugarcane aphid. The applicant asserts that an emergency pest situation exists due to simultaneous widespread infestations of hemipteran insects such as cane flies and aphids. According to LDAF, there is a lack of available insecticides to control these pests that can fit with integrated pest management in sugarcane. Without an effective control, Louisiana sugarcane growers affected by uncontrolled cane flies and aphids face significant economic yield losses.

After having reviewed the crisis exemption, EPA concurred on the crisis exemption and determined that an emergency condition exists for this

State, and that the criteria for approval of an emergency exemption are met.

As part of its evaluation of the emergency exemption application, EPA assessed the potential risks presented by residues of flupyradifurone in or on sugarcane, cane and sugarcane, molasses. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although these time-limited tolerances expire on December 31, 2028, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amount specified in the tolerances remaining in or on sugarcane, cane and sugarcane, molasses after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by these time-limited tolerances at the time of that application. EPA will take action to revoke the time-limited tolerances earlier if any experience with, scientific data on, or other relevant information about this pesticide indicates that the residues are not safe.

Because these time-limited tolerances are being approved under emergency conditions, EPA has not made any decisions about whether flupyradifurone meets FIFRA's registration requirements for use on sugarcane or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that these time-limited tolerance decisions serve as a basis for registration of flupyradifurone by a State for special local needs under FIFRA section 24(c). Nor do these tolerances by themselves serve as the authority for persons in any State other than Louisiana to use this pesticide on sugarcane under FIFRA section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for flupyradifurone, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA 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. Section 408(b)(2)(C) of FFDCA 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. . . ."

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure expected as a result of the use proposed by this emergency exemption request and the time-limited tolerances for residues of flupyradifurone on sugarcane, cane at 3 ppm and sugarcane, molasses at 90 ppm. EPA's assessment of exposures and risks associated with establishing these time-limited tolerances follows. On September 23, 2016 (81 FR 65552) (FRL-9951-68), and August 21, 2020 (85 FR 51668-51672) (FRL-10010-98), EPA published final rules that established tolerances for residues of flupyradifurone in or on multiple commodities based on the Agency's determination that aggregate exposure to flupyradifurone resulting from the residues subject to those tolerances is safe for the U.S. general population, including infants and children. The toxicity profile for flupyradifurone has not changed since the September 23, 2016 (81 FR 65552) (FRL-9951-68), rule was published, therefore EPA is relying upon the discussion of that profile (Unit III) and the identified toxicological endpoints (Unit III) as part of this rulemaking.

EPA's most recent exposure assessment for flupyradifurone appears in the comprehensive risk assessment dated April 6, 2023, titled: "*Flupyradifurone. Human Health Risk*

Assessment for the Proposed Use on Indoor and Outdoor Non-Food Uses," as that assessment included dietary and aggregate exposures to flupyradifurone in or on multiple agricultural and non-agricultural commodities, including for flupyradifurone on sugarcane in Louisiana submitted in 2021 (sugarcane, cane at 3 ppm and sugarcane, molasses at 90 ppm).

For aggregate risk assessment, risk estimates resulting from food, drinking water, and residential uses are combined. Acute, short- and intermediate-term, and long-term (chronic) aggregate assessments were performed for flupyradifurone, and no risk estimates of concern were identified. Further information about EPA's risk assessment and determination of safety supporting these tolerances can be found at <http://www.regulations.gov> in the document titled "*Flupyradifurone. Human Health Risk Assessment for the Proposed Use on Indoor and Outdoor Non-Food Uses*," dated April 6, 2023, and identified by docket ID EPA-HQ-OPP-2022-0444.

In the 2023 assessment, EPA conducted unrefined acute and partially refined chronic dietary analyses for all current uses of flupyradifurone together with the emergency use in or on sugarcane, cane and sugarcane, molasses. The assessments incorporated tolerance-level residues, average residues for some commodities (chronic), Health Effects Division default and empirical processing factors, and conservative drinking water estimates, and assumed that 100% of the proposed crops were treated. The results of the acute and chronic analyses do not exceed the Agency's level of concern. That is, less than 100% of the acute population adjusted dose (aPAD) or less than 100% of the chronic population adjusted dose (cPAD) are not of concern for the general U.S. population and all population subgroups. At the 95th percentile of exposure, the acute dietary (*i.e.*, food and drinking water) risk estimates utilized 27% of the aPAD for the general U.S. population and 55% of the aPAD for children 1–2 years old, the most highly exposed population subgroup. The chronic dietary (*i.e.*, food and drinking water) risk estimates utilized 30% of the cPAD for the general U.S. population and 70% of the cPAD for children 1–2 years old, the group with the highest exposed population subgroup.

The aggregate exposure assessment for flupyradifurone is based on food and drinking water as well as residential uses. No acute or long-term (chronic)

residential exposures are expected, therefore acute and chronic aggregate risks are equivalent to acute and chronic dietary exposure estimates, respectively. Since the dermal and incidental oral point of departures are the same for both short- and intermediate-term durations, the short-term aggregate risk estimates are considered protective of any potential intermediate-term exposures and risks. Aggregate short-term residential exposure to adults (residential handlers) and children (residential post-application exposures) plus background (chronic) dietary exposure yields margins of exposure (MOEs) of 270 for adults, 180 for children (1 to <2 years old), and 210 for children (6 to <11 years old); no aggregate risk estimates are of concern because EPA considers MOEs of less than 100 to be of concern for aggregate risk.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general U.S. population, or to infants and children from aggregate exposure to flupyradifurone residues. More detailed information on the subject action to establish time-limited tolerances in or on sugarcane, cane and sugarcane, molasses can be found at <http://www.regulations.gov> in the document titled “Flupyradifurone: Human Health Risk Assessment for Section 18 Emergency Exemption Request for Use on Sugarcane in Louisiana.” This document can be found in docket ID number EPA-HQ-OPP-2025-1973.

V. Other Considerations

A. Analytical Enforcement Methodology

An adequate enforcement methodology (Method RV-001-P10-03) is available to enforce the tolerance expression for flupyradifurone. This method uses high-performance liquid chromatography with tandem mass spectrometry to quantitate residues of flupyradifurone in various crops. This method may be requested from the Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Road, Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; email address: residuemethods@epa.gov.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the

international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. There are no Codex MRLs established on sugarcane.

VI. Conclusion

Therefore, time-limited tolerances are established for residues of flupyradifurone, in or on sugarcane, cane at 3 ppm and sugarcane, molasses at 90 ppm. These tolerances expire on December 31, 2028.

VII. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes a time-limited tolerance or an exemption from the requirement of a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. 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)

Since tolerance actions that are established in accordance with FFDCA

sections 408(e) and 408(1)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the RFA, 5 U.S.C. 601 *et seq.*, do not apply.

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 on 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 tolerance actions like this one are exempt from review under Executive Order 12866. However, EPA’s 2021 *Policy on Children’s Health* applies to this action. This rule finalizes tolerance actions 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 summarized in Unit IV.

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

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

J. National Technology Transfer Advancement Act (NTTAA)

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

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not

a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: December 4, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

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

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

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

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

■ 2. In § 180.679, add paragraph (b) to read as follows:

§ 180.679 Flupyradifurone; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* The time-limited tolerances specified in the following table are established for residues of flupyradifurone, including its metabolites and degradates, in or on the commodities in the table. Compliance with the tolerance levels specified in this paragraph (b) is to be determined by measuring only flupyradifurone, 4-[[[(6-chloro-3-pyridinyl)methyl]-(2,2-difluoroethyl)amino]-2(5H)-furanone, in or on the specified agricultural commodities, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemption. The tolerances expire on the date specified in the table.

TABLE 2 TO PARAGRAPH (b)

Commodity	Parts per million	Expiration date
Sugarcane, cane	3	12/31/2028
Sugarcane, molasses	90	12/31/2028

* * * * *

[FR Doc. 2025–23420 Filed 12–18–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2024–0631; FRL 13060–01–OCSPP]

Thiamethoxam; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of thiamethoxam in or on pepper, black at 0.15 parts per million (ppm). Under the Federal Food, Drug, and Cosmetic Act (FFDCA), the American Spice Trade Association submitted a petition to EPA requesting that EPA establish a maximum permissible level for residues of this pesticide in or on this commodity.

DATES: This rule is effective on December 19, 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 this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2024–0631, is available at <https://www.regulations.gov>. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Charles Smith, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–2427; email address: RDfRNtices@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 might apply 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(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is “safe.” FFDCA section 408(b)(2)(A)(ii) defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.” This includes exposure through drinking water and in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable

certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .”

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2024–0217 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.

The 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 the EPA’s regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the 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 Tolerance

In the **Federal Register** of July 3, 2025 (90 FR 29515 (FRL–12474–05–OCSP)), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4F9156) by the American Spice Trade Association. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the insecticide thiamethoxam in or on pepper, black at 0.1 ppm. That document referenced a summary of the petition that was prepared by the petitioner and is included in the docket. No comments were received in response to that notice of filing.

III. Final Tolerance Action

A. Aggregate Risk Assessment and Determination of Safety

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. Based upon review of the data supporting the petition and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA is establishing a tolerance that varies from what the petitioner sought. Specifically, EPA is establishing a tolerance of 0.15 ppm (versus the petitioned-for 0.1 ppm) because the monitoring data the tolerance is based upon demonstrate that a tolerance of 0.15 ppm is the appropriate level.

EPA has determined that it has sufficient data to assess the hazards of and to make a determination on aggregate exposure for thiamethoxam, including exposure resulting from the tolerance established by this action. EPA’s assessment of exposures and risks associated with thiamethoxam is summarized in this unit.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting discussions previously published in other tolerance rulemakings for the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in

making its safety determination for this new rulemaking.

For thiamethoxam, EPA has previously published tolerance rulemakings in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to thiamethoxam and established tolerances for residues of that chemical. EPA is incorporating previously published sections from previous rulemakings as described further in this rulemaking, as they remain unchanged.

Tolerances for residues of thiamethoxam are listed in 40 CFR 180.565 and are expressed in terms of the combined residues of the insecticide thiamethoxam and its metabolites and degradates, including its metabolite CGA–322704. CGA–322704 is also the registered active ingredient clothianidin, for which tolerances are listed in 40 CFR 180.586. Clothianidin (hereinafter referred to as CGA–322704) has a complete toxicological database and appears to have effects in mammals that are different from those of thiamethoxam. A separate risk assessment that addresses risks from CGA–322704 residues resulting from the direct application of CGA–322704 (clothianidin), as well as risks from residues of CGA–322704 coming from thiamethoxam uses has been conducted, and there are no risk estimates of concern as a result of the proposed tolerance for thiamethoxam residues in or on black pepper.

Specific information on the risk assessments conducted in support of this action, including on the studies received and the nature of the adverse effects caused by thiamethoxam and CGA–322704, can be found in the documents titled “Thiamethoxam. Human Health Risk Assessment for Use on Imported Black Pepper” (hereinafter “Thiamethoxam Human Health Risk Assessment”) and “Clothianidin. Human Health Risk Assessment to Address Exposure Associated with a New Tolerance for Thiamethoxam in/on Imported Black Pepper” (hereinafter “Clothianidin Human Health Risk Assessment”), which are available in the docket for this action.

B. Toxicological Profile

For a discussion of the toxicological profile of thiamethoxam, see Unit III.A. of the thiamethoxam tolerance rulemaking published in the **Federal Register** of February 15, 2017 (82 FR 10712) (FRL–9957–00).

C. Toxicological Points of Departure/ Levels of Concern

For a summary of the toxicological points of departure (PODs)/levels of concern for thiamethoxam used for human health risk assessment, see Unit III.B. of the February 15, 2017, rulemaking (82 FR 10712) (FRL–9957–00).

D. Exposure Assessment

Much of the exposure assessment remains the same although updates have occurred to account for exposures from the petitioned-for tolerance. These updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, see Unit III.C. of the February 15, 2017, rulemaking (82 FR 10712) (FRL–9957–00).

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to thiamethoxam, EPA considered exposure under the petitioned-for tolerance as well as all existing thiamethoxam tolerances in 40 CFR 180.565. The assessments were conducted using the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 4.02. EPA used 2005–2010 food consumption information from the United States Department of Agriculture's National Health and Nutrition Examination Survey, What We Eat in America. EPA assessed dietary exposures from thiamethoxam in food as follows:

i. *Acute exposure.* The acute assessment is based on tolerance-level residues and assumes 100 percent crop treated (PCT); the acute assessment is unrefined.

ii. *Chronic exposure.* The chronic assessment is based on average residues from crop field trials and assumes 100 PCT; the chronic assessment is moderately refined.

iii. *Cancer.* EPA has concluded that thiamethoxam is not likely to be carcinogenic to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* FFDCA section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the

levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of this tolerance.

EPA did not use PCT information in the dietary exposure assessment for thiamethoxam. 100 PCT was assumed for all food commodities.

2. *Dietary exposure from drinking water.* EPA has revised the thiamethoxam drinking water assessment since the February 15, 2017, rulemaking (82 FR 10712) (FRL–9957–00). Based on the Pesticide in Water Calculator's version 1.52, the estimated drinking water concentrations (EDWCs) of thiamethoxam in groundwater are 63 parts per billion (ppb) for acute exposures and 58 ppm for chronic exposures. Groundwater EDWCs were used in the dietary assessment for all sources of drinking water. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/models-pesticide-risk-assessment>.

3. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., from lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). There are no new proposed residential uses for thiamethoxam at this time. However, thiamethoxam is currently registered for the following uses that could result in residential handler and post-application short-term dermal, inhalation, and incidental oral exposures: turf (including residential lawns and golf courses), gardens and trees, and indoor environments (as a crack and crevice treatment). Worst-case residential exposure scenarios for adults and children were included in the aggregate risk estimates and were associated with post-application exposures from treated gardens, golf courses, and indoor spraying on carpets.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide's residues and “other substances that have a common mechanism of toxicity.” In 2016, EPA's Office of Pesticide Programs released a guidance document entitled “Pesticide

Cumulative Risk Assessment: Framework for Screening Analysis.” The Agency has utilized this framework for thiamethoxam and determined that thiamethoxam along with clothianidin, acetamiprid, dinotefuran, imidacloprid, nithiazine, and thiacloprid form a candidate common mechanism group (CMG). This group of pesticides, referred to as neonicotinoids, is considered a candidate CMG because they share characteristics to support a testable hypothesis for a common mechanism of action for neonicotinoids. Following this determination, the Agency conducted an initial and updated screening-level cumulative risk assessment consistent with the 2016 guidance document, which indicated that cumulative risk estimates for neonicotinoids are below the Agency's levels of concern. The Agency has determined that exposures from the petitioned-for tolerance are not anticipated to affect the overall results of the previous cumulative assessment. Therefore, there are no cumulative risks of concern, and the neonicotinoid cumulative assessment does not need to be updated for this action.

E. Safety Factor for Infants and Children

EPA continues to conclude that there are reliable data to support the reduction of the 10X Food Quality Protection Act (FQPA) safety factor to 1X. See Unit III.D. of the February 15, 2017, rulemaking (82 FR 10712) (FRL–9957–00) for a discussion of the Agency's rationale for that determination.

F. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate margin of exposure (MOE) exists. Where different routes of exposure have different levels of concern, the Agency uses the aggregate risk index approach for calculating short-, intermediate-, and long-term aggregate risk estimates.

1. *Acute dietary risk.* The acute dietary risk estimates for thiamethoxam are not of concern. Using the exposure assumptions discussed in this unit for acute exposure, EPA has concluded that

acute exposure to thiamethoxam from food and water is 13% of the aPAD for all infants (less than 1 year old), the population group receiving the greatest exposure.

2. *Chronic dietary risk.* The chronic dietary risk estimates for thiamethoxam are not of concern. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to thiamethoxam from food and water is 75% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Thiamethoxam is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to thiamethoxam. Using the exposure assumptions described in this unit for short-term exposures, the MOEs for children (490 and 160) and adults (120) are greater than their respective LOCs of 100. As a result, the short-term aggregate risk estimates are not of concern for the general U.S. population or any population subgroup.

4. *Intermediate- and long-term risk.* Intermediate- and long-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). For thiamethoxam, residential exposures are not expected to occur for intermediate-term duration (1–6 months); therefore, intermediate- and long-term risk were not assessed.

5. *Aggregate cancer risk for U.S. population.* Thiamethoxam is classified as “Not likely to be carcinogenic to humans”; therefore, EPA does not expect thiamethoxam exposures to pose an aggregate cancer risk.

6. *Determination of safety.* Based on the risk assessments and information described above, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to thiamethoxam residues. More detailed information on this action can be found in the Thiamethoxam Human Health Risk Assessment and the Clothianidin Human Health Risk Assessment, which are available in the docket for this action.

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate method, HPLC Method AG–675, is available to enforce the recommended tolerance. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: residuemethods@epa.gov.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the U.S. is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

Neither Codex nor Canada’s Pest Management Regulatory Agency have established a MRL for thiamethoxam in or on black pepper. Therefore, there are no harmonization issues regarding the establishment of a tolerance without a U.S. registration on black pepper.

C. Effective and Expiration Date(s)

In general, a tolerance action is effective on the date of publication of the final rule in the **Federal Register**. For actions in the final rule that lower or revoke existing tolerances, EPA will set an expiration date for the existing tolerance of six months after the date of publication of the final rule in the **Federal Register**, in order to allow a reasonable interval for producers in exporting members of the World Trade Organization’s Sanitary and Phytosanitary Measures Agreement to adapt to the requirements.

V. Conclusion

Therefore, a tolerance is established for residues of thiamethoxam, in or on pepper, black at 0.15 ppm.

VI. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance 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)

Since tolerance actions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the RFA, 5 U.S.C. 601 *et seq.*, do not apply to this action.

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 on 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 tolerance actions like this one are exempt from review under Executive Order 12866. However, EPA's 2021 *Policy on Children's Health* applies to this action. This rule finalizes a tolerance action 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 summarized in Unit III.D.

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

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

J. National Technology Transfer Advancement Act (NTTAA)

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

K. Congressional Review Act (CRA)

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure,

Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 17, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

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

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

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

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

■ 2. Amend § 180.565, by:

- a. Adding the following commodity in alphabetical order to the table in paragraph (a): "Pepper, Black"; and
- b. Adding footnote 3 to the table in paragraph (a).

The additions read as follows:

§ 180.565 Thiamethoxam; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	*
Pepper, black ³	0.15
* * * * *	*

¹ There are no U.S. registrations for these commodities as of February 15, 2017.

² There are no U.S. registrations for these commodities as of June 15, 2022.

³ There are no U.S. registrations for these commodities as of December 19, 2025.

* * * * *

[FR Doc. 2025–23424 Filed 12–18–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1302

RIN 0970–AD17

COVID–19 Mitigation Policy Requirement in Head Start Programs; Recission

AGENCY: Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Direct final rule; request for comments.

SUMMARY: This direct final rule (DFR) removes the requirement that Head Start programs have a COVID–19 mitigation policy. This requirement was included in the final rule titled "Mitigating the Spread of COVID–19 in Head Start Programs," which ACF published on January 6, 2023. Specifically, this rescission removes the requirement from the Head Start Program Performance Standards (Performance Standards) that Head Start programs have a COVID–19 mitigation policy developed in consultation with their Health and Mental Health Services Advisory Committee (HMHSAC), formerly the Health Services Advisory Committee (HSAC). This DFR meets the deregulatory requirements of Executive Order 14192, *Unleashing Prosperity Through Deregulation*, and is aligned with Executive Order 14148, *Initial Rescissions of Harmful Executive Orders and Actions*.

DATES: This DFR is effective on February 17, 2026 unless significant adverse comments are received by January 20, 2026. If significant adverse comments are received, notice will be published in the **Federal Register** before the effective date either withdrawing the rule or issuing a new final rule that responds to significant adverse comments.

ADDRESSES: You may submit comments, identified by [docket number and/or RIN number] by any of the following methods:

• **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

• **Mail:** Office of Head Start, Attention: Director of Policy and Planning, 330 C Street SW, 4th Floor, Washington, DC 20201.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Shawna Pinckney, Office of Head Start, 1–866–763–6481, OHS_Policy@acf.hhs.gov.

SUPPLEMENTARY INFORMATION:

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13132
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I. Background

Since its inception in 1965, Head Start has been a leader in supporting children from low-income families to enter kindergarten healthy, prepared, and ready to thrive in school and life. Decades of evidence continue to affirm the positive outcomes for children and families who participate in and graduate from Head Start programs.¹ The program was founded on research demonstrating that health and well-being are essential prerequisites for optimal learning and improved short- and long-term outcomes. OHS recognizes health as the cornerstone of school readiness, underscoring its critical role in the program's mission.

To ensure the safety and well-being of all children, families, and staff, the Head Start program prioritizes creating environments that are safe and conducive to learning. Section 1302.47 of the Performance Standards establishes comprehensive health and safety requirements for Head Start programs (45 CFR 1302.47). This section sets forth expectations for programs to implement policies and practices that safeguard children during program hours and maintain facilities and equipment in safe and sanitary conditions. Importantly, the requirements within § 1302.47 are designed with flexibility, enabling programs to address a wide range of health and safety considerations—including communicable disease prevention—tailored to their community's specific needs.

In response to the Biden Administration's COVID-19 Action Plan, "Path out of the Pandemic," ACF published an interim final rule with comment period (IFC), *Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs*, on November 30, 2021.² The

IFC required (1) universal masking for individuals 2 years of age and older, subject to some exceptions; and (2) vaccination by January 31, 2022 for Head Start staff, contractors whose activities involve contact with or providing direct services to children and families, and volunteers working in classrooms or directly with children. Soon after the publication of the IFC, several court decisions placed a preliminary injunction on the IFC, meaning Head Start grant recipients in those states were not required to comply with the requirements in the IFC. Specifically, on December 31, 2021, the court placed a preliminary injunction on the IFC in Texas, and on January 1, 2022, the court placed a preliminary injunction on 24 other states.³ On January 6, 2023, ACF published a final rule in the **Federal Register** removing the universal masking requirement, and instead requiring Head Start programs to adopt an evidence-based COVID-19 mitigation policy, developed in consultation with their HMHSAC, formerly Health Services Advisory Committee (HSAC). On March 31, 2023, the court vacated the IFC, which took effect April 7, 2023, removing the requirement for vaccination and testing.⁴

On April 10, 2023, President Biden signed legislation ending the COVID-19 national emergency declared under the National Emergencies Act.⁵ Subsequently, on May 11, 2023, the COVID-19 public health emergency expired. In response to the court vacating the IFC and the end to the public health emergency, on June 26, 2023, ACF issued a final rule to remove the vaccine and testing requirements, rescinding those requirements from the IFC issued on November 30, 2021, and removing them from the Performance Standards.⁶

II. Statutory Authority To Issue DFR

We publish this direct final rule (DFR) under the authority granted to the Secretary of Health and Human Services by sections 641A of the Act (42 U.S.C.

9836a), as amended by the Improving Head Start for School Readiness Act of 2007 (Public Law 110-134). Under these sections, the Secretary is required to establish performance standards and other regulations for Head Start and Early Head Start programs. Specifically, sections 641A(a)(1) and (2) of the Act requires the Secretary to "modify, as necessary, program performance standards by regulation applicable to Head Start agencies and programs."⁷ This rule meets the statutory requirements Congress put forth in its 2007 bipartisan reauthorization of the Head Start program and addresses Congress's mandate that called for the Secretary to review and revise the Performance Standards.⁸ The Secretary has determined that the removal of this requirement in the Performance Standards contained in this regulation is necessary, given there is no longer a COVID-19 pandemic, and the associated Public Health Emergency ended.

III. Discussion of Change

Rescinding the Requirement for a COVID-19 Mitigation Policy (§ 1302.47(b)(9))

Section 1302.47 establishes expectations for Head Start programs to ensure basic health and safety measures are taken for the protection of all children. We propose to remove § 1302.47(b)(9), which requires programs specifically to have an evidence-based COVID-19 mitigation policy developed in consultation with their HMHSAC, formerly HSAC.

ACF's proposal to rescind these requirements is informed by three key factors: (1) the termination of the national emergency concerning COVID-19 on April 10, 2023, following the enactment of Public Law 118-3, and the subsequent expiration of the COVID-19 Public Health Emergency on May 11, 2023, as declared by the Secretary of Health and Human Services under the Public Health Service Act;⁹ (2) the determination that this requirement is duplicative of existing safety practice provisions outlined in § 1302.47(b)(7)(iii); and (3) alignment with the Administration's policies, as articulated in Executive Order 14148.

First, the termination of the national emergency concerning COVID-19 and expiration of the COVID-19 Public Health Emergency reflect a significant

¹ Deming, D. (2009). Early Childhood Intervention and Life-Cycle Skill Development: Evidence from Head Start. *American Economic Journal: Applied Economics*, 1:3, 111-134.; Lipscomb, S.T., Pratt, M.E., Schmitt, S.A., Pears, K.C., & Kim, H.K. (2013). School readiness is children living in non-parental care: Impacts of Head Start. *Journal of Applied Developmental Psychology*, 31 (1), 28-37.

² U.S. Department of Health and Human Services, Administration for Children and Families, Office of Head Start. "Vaccine and Mask Requirements To Mitigate the Spread of COVID-19 in Head Start Programs." Interim Final Rule with Comment

Period. **Federal Register** 86, no. 228 (November 30, 2021): 68052-68101.

³ *Texas et al. v. Becerra, et al.*, No. 21-cv-00300, 2021 WL 6198109 (N.D. Tex. Dec. 31, 2021) and *Louisiana, et al. v. Becerra, et al.*, 21-cv-04370, 2022 WL 16571 (Jan. 1, 2022 W.D. La.).

⁴ *State of Texas v. Becerra*, 577 F. Supp. 3d 527 (N.D. Tex. 2021).

⁵ H.J. Res. 7, 118th Cong. (2023), Public Law 118-3 (Apr. 10, 2023).

⁶ U.S. Department of Health and Human Services, Administration for Children and Families, Office of Head Start. "Removal of the Vaccine Requirements for Head Start Programs." Final Rule. **Federal Register** 86, no. 41326 (June 26, 2023): 41326-41334.

⁷ See section 641A(a)(1) and (2) of the Act.

⁸ See section 641A(a)(2)(C)(i) of the Act.

⁹ U.S. Department of Health and Human Services (2023). Retrieved at: <https://www.hhs.gov/coronavirus/covid-19-public-health-emergency/index.html>.

shift in the federal government's approach to managing the pandemic, signaling that the acute phase of the public health crisis has passed. Since January 2021, the United States has seen a sustained and substantial decline in COVID-19 transmission and severe outcomes.¹⁰ We are no longer in a pandemic. With these emergency declarations no longer in effect, there is no reason to require specific COVID-19 mitigation requirements of Head Start grant recipients.

Second, § 1302.47(b)(7)(iii) of the Performance Standards requires programs to establish, follow, and practice procedures for “protection from contagious disease, including appropriate inclusion and exclusion policies for when a child is ill, and from an infectious disease outbreak, including appropriate notifications of any reportable illness.” This provision establishes the longstanding and comprehensive expectation that Head Start programs implement policies and procedures to prevent and control the spread of communicable diseases. These procedures are intended to be evidence-based, responsive to public health guidance, and adaptable to the specific conditions within a program and its community.

With the expiration of the COVID-19 public health emergency and the significant reduction in COVID-19-related risks, this standalone requirement has become duplicative of the broader health and safety provisions already required under § 1302.47(b)(7)(iii). Programs continue to be responsible for developing and implementing communicable disease policies, including measures to address COVID-19, when necessary, but the specific regulatory requirement is no longer needed to achieve that objective. Moreover, the requirement in § 1302.47(b)(7)(iii) provides programs with the necessary flexibility to tailor communicable disease policies to their unique circumstances, taking into account current public health conditions, local health department guidance, and the needs of their enrolled children and families. Retaining a COVID-19-specific mitigation policy requirement in regulation is therefore redundant. Maintaining the separate regulatory requirement may also create confusion or suggest a regulatory distinction between COVID-19 and other communicable diseases that no longer

reflects current public health guidance. The removal of § 1302.47(b)(9) aligns the standards with ACF's efforts to provide flexibility and reduces unnecessary regulatory burden on programs while maintaining critical protections for child health and safety.

Third, the rescission of this requirement aligns with the Administration's policies, as articulated in Executive Order 14148. Specifically, the proposal to remove this requirement specific to COVID-19 is consistent with the revocation of Executive Order 13987, Organizing and Mobilizing the United States Government to Combat COVID-19 and To Provide United States Leadership on Global Health and Security, issued on January 20, 2021.

Waiver of Notice and Comment Process

When engaging in rulemaking, HHS will ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with the Administrative Procedure Act (APA), 5 U.S.C. 553(b).¹¹ Under the APA,¹² an agency is not required to provide notice and public comment prior to issuing a direct final rule when it determines, for good cause, that such procedures are impracticable, unnecessary, or contrary to the public interest. In such instances, the agency must include in the rule a statement of its findings and the reasons supporting its determination that the notice and public comment procedure generally required under the APA are impracticable, unnecessary, or contrary to the public interest.

At this point in time, when the pandemic is over, ACF finds that it is unnecessary to provide a public comment period before issuing this DFR. Courts have found “good cause” that notice and comment is unnecessary when changes are considered “a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.” *Mack Trucks, Inc. v. EPA*, 682 F.3d 87, 94 (D.C. Cir. 2012) (quoting *Utility Solid Waste Activities Grp. v. EPA*, 236 F.3d 749, 755 (D.C. Cir. 2001)); accord *Nat. Def. Council v. Nat'l Highway Traffic Safety Admin.*, 894 F.3d 95, 114 (2d Cir. 2018); *N.C. Growers' Ass'n, Inc. v. United Farm Workers*, 702 F.3d 755, 766–67 (4th Cir. 2012); see Attorney General's APA MANUAL 31 (“‘Unnecessary’ refers to the issuance of a minor rule in which the public is not particularly interested.”); APA LEGISLATIVE HISTORY 200

(“‘Unnecessary’ means unnecessary so far as the public is concerned, as would be the case if a minor or merely technical amendment in which the public is not particularly interested were involved.”).

The rescission of the requirement to have an evidence-based COVID-19 mitigation plan is a minor rule change that is not of interest to the public to provide comment on because the COVID-19 pandemic is no longer a public health emergency and because the Performance Standards already have broad health and safety provisions in effect under § 1302.47(b)(7)(iii) that relate to implementing communicable disease policies. Duplicating other requirements in the Performance Standards creates additional regulatory burden for Head Start programs, and rescinding the outdated requirement specific to COVID-19 poses no harm or burden to programs or the public.

Compliance With Sec 641A(a)(2) of the Act

ACF will consider comments on the changes in this DFR from the public, including experts in the fields of child development, early childhood education, child health care, family services, administration, and financial management, and from persons with experience in the operation of Head Start programs. We also welcome feedback from Indian Tribes. Note that a DFR will become permanent unless we receive adverse comments on this proposed rescission that requires us to withdraw the DFR, but, regardless, OHS values input from programs regarding service delivery.

IV. Regulatory Process Matters

We have examined the impacts of the direct final rule under Executive Order 12866, Executive Order 13563, Executive Order 14192, the Regulatory Flexibility Act (5 U.S.C. 601–612), the Congressional Review Act (5 U.S.C. 801, Pub. L. 104–121), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866 and 13563 direct us to assess all benefits and costs of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits. This rule was determined to be significant under Section 3(f) of Executive Order 12866 and is subject to review by the Office of Management and Budget (OMB). Executive Order 14192 requires that any new incremental costs associated with significant new regulations “shall, to the extent permitted by law, be offset by the elimination of existing costs associated

¹⁰ Centers for Disease Control and Prevention. COVID Data Tracker. Atlanta, GA: U.S. Department of Health and Human Services, CDC; 2025, July 09. Retrieved from: https://covid.cdc.gov/covid-data-tracker/#trends_weeklydeaths_testpositivity_00.

¹¹ <https://www.govinfo.gov/link/uscode/5/553>.

¹² 5 U.S.C. 553(b)(B).

with at least ten prior regulations.” Our analysis indicates, and the Office of Information and Regulatory Affairs (OIRA) has determined, that this direct final rule does not meet the criteria set forth in 5 U.S.C. 804(2) under the Congressional Review Act.

This direct final rule is considered an E.O. 14192 deregulatory action. We estimate that this action will generate about \$17,312 in savings per year. This estimate is consistent with the planned discontinuation of an OMB-approved information collection with control number 0970–0148, associated with the recordkeeping requirement of updating program policies and procedures. We pair the existing 320-hour annual time-burden estimate with a fully loaded wage rate of \$54.10 based on the median wage of Education and Childcare Administrators, Preschool and Daycare.¹³ The present value of these cost savings is \$0.23 million, or \$0.02 million in annualized terms, reported in constant 2024 dollars at a 7 percent discount rate, discounted relative to year 2024, over a perpetual time horizon.

The Regulatory Flexibility Act (RFA) requires agencies to consider the impact of their regulatory proposals on small entities. The impacts to small entities attributable to the final rule are cost savings from eliminating a recordkeeping requirement. We certify that the direct final rule will not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (UMRA) generally requires that each agency conduct a cost-benefit analysis; identify and consider a reasonable number of regulatory alternatives; and select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule before promulgating any proposed or final rule that includes a Federal mandate that may result in expenditures of more than \$100 million (adjusted for inflation) in at least one year by State, local, and tribal governments, in the aggregate, or by the private sector. Each agency issuing a rule with relevant effects over that threshold must also seek input from State, local, and tribal governments. The current threshold after adjustment for inflation is \$187 million, using the most current (2024) Implicit Price Deflator for the Gross Domestic Product. This direct

final rule will not result in an unfunded mandate that exceeds this monetary threshold in any year.

Federalism Assessment Executive Order 13132

Executive Order 13132 requires federal agencies to consult with State and local government officials if they develop regulatory policies with federalism implications. Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government close to the people. This rule would not have substantial direct impact on the states, on the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires federal agencies to determine whether a policy or regulation may negatively affect family well-being. If the agency determines a policy or regulation negatively affects family well-being, then the agency must prepare an impact assessment addressing seven criteria specified in the law. ACF believes it is not necessary to prepare a family policymaking assessment (see Pub. L. 105–277) because the action it takes in this rule would not have any impact on the autonomy or integrity of the family as an institution.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 *et seq.*, minimizes government-imposed burden on the public. In keeping with the notion that government information is a valuable asset, it also is intended to improve the practical utility, quality, and clarity of information collected, maintained, and disclosed.

The PRA requires that agencies obtain OMB approval, which includes issuing an OMB number and expiration date, before requesting most types of information from the public. Regulations at 5 CFR part 1320 implemented the provisions of the PRA and § 1320.3 defines a “collection of information,” “information,” and “burden.” PRA defines “information” as

any statement or estimate of fact or opinion, regardless of form or format, whether numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic, or other media (5 CFR 1320.3(h)). This includes requests for information to be sent to the Government, such as forms, written reports and surveys, recordkeeping requirements, and third-party or public disclosures (5 CFR 1320.3(c)). “Burden” means the total time, effort, or financial resources expended by persons to collect, maintain, or disclose information.

When this requirement was first established, OHS modified the OMB-approved information collection with control number 0970–0148, associated with the recordkeeping requirement of updating program policies and procedures. At that time, OHS assumed 320 burden hours and this was approved as part of modifications to OMB 0970–0148. With the publication of this rule, OHS will remove the estimated burden from OMB 0970–0148 upon renewal.

List of Subjects in 45 CFR Part 1302

Early education, Grant programs, Head Start, COVID–19, Safety practices, Evidence-based COVID–19 mitigation policy.

For the reasons stated in the preamble, ACF amends 45 CFR part 1302 as follows:

PART 1302—PROGRAM OPERATIONS

- 1. The authority for part 1302 continues to read as follows:

Authority: 42 U.S.C. 9801 *et seq.*

§ 1302.47 [Amended]

- 2. Amend § 1302.47 by removing paragraph (b)(9) and redesignating paragraph (b)(10) as paragraph (b)(9).

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025–23452 Filed 12–18–25; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 25–246; RM–12007; DA 25–1052; FR ID 322512]

Television Broadcast Services Fort Bragg and Cloverdale, California

AGENCY: Federal Communications Commission.

ACTION: Final rule.

¹³ Bureau of Labor Statistics. May 2024 Occupational Employment and Wage Statistics. <https://data.bls.gov/oes/#/industry/000000>. Median wage for Education and Childcare Administrators, Preschool and Daycare (11–9031) of \$27.05 doubled to account for costs associated with labor other than wages.

SUMMARY: In this document, the Federal Communications Commission (Commission) modifies the Table of TV Allotments (table) rules by removing channel 8 at Fort Bragg and substituting channel 8 at Cloverdale, California, in response to a Petition for Rulemaking (Petition) filed by One Ministries, Inc. (Petitioner or OMI), licensee of KQSL(TV), channel 8, Fort Bragg, California. The Petitioner further requests modification of its license to specify Cloverdale as its community of license. OMI filed comments in support of the Petition, as required by the rules. Another commenter filed comments raising issues outside the scope of this proceeding and therefore the Commission declined to consider them. The staff engineering analysis finds that the proposal is in compliance with the Commission's principal community coverage and technical requirements. The public interest would be served by reallocating channel 8 from Fort Bragg to Cloverdale in the table consistent with the technical parameters set forth in the Petition.

DATES: Effective January 20, 2026.

FOR FURTHER INFORMATION CONTACT: Emily Harrison, Media Bureau, at Emily.Harrison@fcc.gov, (202) 418–

1665, or Mark Colombo, Media Bureau, at Mark.Colombo@fcc.gov, (202) 418–7611.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, in MB Docket No. 25–246; RM–12007; DA 25–1052, adopted and released on December 11, 2025. The proposed rule was published at 90 FR 41024 on August 22, 2025. The full text of this document is available online at <https://docs.fcc.gov/public/attachments/DA-25-1052A1.pdf>.

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. Amend § 73.622, in the table in paragraph (j), under California, by:

■ a. Adding the entry of “Cloverdale” in alphabetical order; and

■ b. Revising the entry of “Fort Bragg”.

The addition and revision read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community						Channel No.
*	*	*	*	*	*	
California						
Cloverdale					*	8
Fort Bragg					*	* 4
	*	*	*	*	*	*

* * * * *

[FR Doc. 2025–23487 Filed 12–18–25; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register

Vol. 90, No. 242

Friday, December 19, 2025

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2024–0045]

RIN 3150–AL06

Incorporation by Reference of Institute of Electrical and Electronics Engineers Standard 603–2018

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule and draft guidance; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to incorporate by reference the Institute of Electrical and Electronics Engineers (IEEE) Standard (Std) 603–2018, “IEEE Standard Criteria for Safety Systems for Nuclear Power Generating Stations.” The IEEE Std 603–2018 is the most recent version of IEEE Std 603 that addresses the power, instrumentation, and control safety systems for nuclear power reactors. This amendment also incorporates editorial changes that do not change the technical information. The NRC plans to hold a public meeting to promote full understanding of the proposed rule and facilitate public comments.

DATES: Submit comments by February 17, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0045. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: Helen.Chang@nrc.gov. For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. eastern time, Federal workdays; telephone: 301–415–1677.

You can read a plain language description of this proposed rule at <https://www.regulations.gov/docket/NRC-2024-0045>. For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Denise Edwards, Office of Nuclear Material and Safeguards, telephone: 301–415–7204, email: Denise.Edwards@nrc.gov, and Gilberto Blas Rodriguez, Office of Nuclear Reactor Regulation, telephone: 301–287–9260, email: Gilberto.BlasRodriguez@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: This rulemaking is separate from NRC’s comprehensive review and reform of its regulations in accordance with Executive Order (E.O.) 14300, “Ordering the Reform of the Nuclear Regulatory Commission” (90 FR 22587; May 29, 2025). The rulemakings associated with that effort will comprehensively reexamine NRC requirements. While there could be additional revisions as a result of these future rulemakings, the NRC is moving forward with publication of this proposed rule at this time because it is an action of high interest for stakeholders that was in progress before the issuance of E.O. 14300.

Executive Summary

A. Need for Regulatory Action

The IEEE periodically revises and updates its codes for nuclear power plants by issuing new editions; this

proposed rule is in accordance with the NRC’s practice to incorporate new editions into the NRC’s regulations. This proposed rule allows nuclear power plant applicants to take advantage of the latest IEEE Std, enhancing efficiency for applicants and the NRC without affecting safety. The NRC’s use of the IEEE Std is consistent with applicable requirements of the National Technology Transfer and Advancement Act (NTTAA). See also Section XII of this document, “Voluntary Consensus Standards.”

B. Major Provision

The primary effect of this proposed rule is the incorporation by reference of IEEE Std 603–2018 into title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a, “Codes and standards,” and to provide for its use for nuclear power reactors of all types. This proposed rule also includes a conforming amendment to paragraph (b)(1)(v) of section 50.69, “Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors,” of 10 CFR, which would extend that provision to allow risk-informed alternatives to Clauses 5.3 and 5.4 of IEEE 603–2018 for certain systems, structure, and components.

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0045 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website*: Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0045.

- *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 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 8:00 a.m. and 4:00 p.m. eastern time, Monday through Friday, except Federal holidays.

- *Technical Library*: The Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, is open by appointment only. Interested parties may make appointments to examine documents by contacting the NRC Technical Library by email at Library.Resource@nrc.gov between 8:00 a.m. and 4:00 p.m., eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2024–0045 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly

disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

It has been the NRC's practice to establish requirements for the protection systems and safety systems in nuclear power plants by incorporating by reference certain standards published by the IEEE into 10 CFR 50.55a, “Codes and standards.”

Paragraph 50.55a(h)(2), “Protection systems,” currently requires that the protection systems in nuclear power plants with construction permits issued after January 1, 1971, but before May 13, 1999, meet the requirements stated in either IEEE Std 279, “Criteria for Protection Systems for Nuclear Power Generating Stations,” or with the requirements in IEEE Std 603–1991, “IEEE Criteria for Safety Systems for Nuclear Power Generating Stations,” including the correction sheet dated January 30, 1995. For nuclear power plants with construction permits issued before January 1, 1971, 10 CFR 50.55a(h)(2) requires that protection systems must be consistent with their licensing basis or meet the requirements of IEEE Std 603–1991 including the correction sheet dated January 30, 1995.

Paragraph 50.55a(h)(3), “Safety systems,” currently requires that applications filed on or after May 13, 1999, for construction permits and operating licenses under 10 CFR part 50, as well as standard design approvals, standard design certifications, and combined licenses under 10 CFR part 52, meet the requirements for safety systems stated in IEEE Std 603–1991 including the correction sheet dated January 30, 1995.

The IEEE superseded the previous standards with IEEE Std 603–2018. This proposed rule would update the NRC's regulations to incorporate by reference and specify the requirements for using this latest version of IEEE Std 603 on the

basis of license date, construction permit date, and type of protection system or safety system modification. This proposed rule would apply to (1) reactor design applications for a license, construction permit, design approval, or design certification, and (2) applications for license amendments for nuclear power plants. The NRC is proposing to make the final rule effective 30 days after its publication in the **Federal Register**.

This proposed rule would incorporate voluntary consensus standard IEEE Std 603–2018 into the NRC's regulations to establish functional and design requirements for power, instrumentation, and control safety systems for nuclear power plants. This action would be consistent with the provisions of the NTTAA, which encourage Federal regulatory agencies to consider adopting voluntary consensus standards as an alternative to agency development of government-unique standards.

The NRC staff held two public meetings on IEEE Std 2018 before this rulemaking was initiated: one on September 14, 2023, and one on September 19, 2024. The NRC appreciates the feedback received through these public meetings, which contributed to the development of this proposed rule.

III. Discussion

A. IEEE 603–2018

The NRC proposes to update 10 CFR 50.55a to incorporate by reference IEEE Std 603–2018. When applying IEEE Std 603–2018, the first sentence within Clause 5.16, “Common-cause failure,” captures the only regulatory requirement of Clause 5.16, that the safety system design and development shall address common-cause failures (CCFs) that create a potential to degrade or defeat the safety system function.

IEEE Std 603–2018 references several industry codes and standards that are not proposed for incorporation by reference in this rulemaking. These referenced standards are not mandatory NRC requirements, and if a referenced standard has been endorsed in a regulatory guide, the standard constitutes a method acceptable to the NRC for meeting a regulatory requirement.

This proposed rule also includes a conforming amendment to paragraph (b)(1)(v) of 10 CFR 50.69, “Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors,” which would extend that provision to allow risk-informed alternatives to Clauses 5.3

and 5.4 of IEEE 603–2018 for certain systems, structure, and components.

B. Discussion of Clause 5.16 Regarding CCF and Existing Commission Policy

IEEE Std 603–2018 includes Clause 5.16, which provides criteria for evaluating the potential for safety system CCF. As this Clause 5.16 does not exist in IEEE Std 603–1991, it is not in the currently incorporated by reference version. In the 2018 version, Clause 5.16 applies to any source of vulnerability to CCF.

The first sentence in Clause 5.16 states that—the safety system design and development shall address CCFs that create a potential to degrade or defeat the safety system function. This statement is consistent with the NRC's position on CCF, which is why it is proposed to be included as part of this proposed rule. The Commission's policy on addressing CCF is found in Staff Requirements Memorandum (SRM)—SECY–22–0076, "Expansion of Current Policy on Potential Common-Cause Failures in Digital Instrumentation and Control Systems," dated August 10, 2022. As noted in the Commission's policy, before a nuclear generating station safety system is considered ready for implementation at the facility, developers must demonstrate that vulnerabilities to CCF have been adequately identified and addressed.

The NRC staff considers the remainder of Clause 5.16 of IEEE Std 603–2018 as guidance on how CCF could be addressed. The methods included in Clause 5.16 may be acceptable for licensees or applicants to address CCF as part of their overall defense-in-depth and diversity (D3) analyses, in appropriate circumstances; however, the list is not comprehensive and does not include flexibilities the Commission recently directed the NRC staff to incorporate into its licensing reviews. In its direction to the NRC staff in SRM—SECY–22–0076, the Commission approved expanded acceptance of risk-informed approaches in performing the defense-in-depth and diversity assessment and in determining the adequacy of design techniques, prevention measures, and mitigation measures, other than diversity, to address a postulated digital instrumentation and controls CCF. This policy provides additional flexibility in addressing CCFs beyond the methods described in Clause 5.16. Therefore, licensees or applicants may use the methods described in Clause 5.16 and other methods referenced in Draft Regulatory Guide (DG) DG–1251, Revision 1, "Guidance for the Power, Instrumentation, and Control Portions of

Safety Systems for Nuclear Power Plants," in their overall D3 analyses. The NRC staff guidance for evaluation of defense in depth and diversity to address CCF is found in NUREG–0800, "Standard Review Plan," Chapter 7, Branch Technical Position 7–19 (BTP 7–19), Revision 9, "Guidance for Evaluation of Defense in Depth and Diversity to Address Common-Cause Failure Due to Latent Design Defects in Digital Instrumentation and Control Systems," and the Design Review Guide, "Design Review Guide (DRG): Instrumentation and Controls for Non-Light-Water Reactor (Non-LWR) Reviews," as applicable. Further, regarding the last paragraph in Clause 5.16, the NRC staff agrees that if a determination concludes that the consequences of a CCF are low or a determination concludes that the CCF has a very low likelihood of occurrence, then that conclusion could be credited in a plant-specific analysis toward justification of the proposed safety system design in a risk-informed approach. However, a risk-informed approach requires that risk insights are considered together with other factors to establish requirements that better focus licensee and regulatory attention on design and operational issues commensurate with their importance to public health and safety, consistent with SRM—SECY–98–144, "Risk-informed and Performance Based Regulation," and SRM—SECY–22–0076. Finally, the NRC staff agrees that each identified source of CCF should be evaluated on a case-by-case basis.

Therefore, the NRC proposes to update 10 CFR 50.55a to incorporate by reference IEEE Std 603–2018. When applying IEEE Std 603–2018, the first sentence within Clause 5.16, "Common-cause failure," captures the only regulatory requirement of Clause 5.16, that the safety system design and development shall address CCF that create a potential to degrade or defeat the safety system function.

C. Protection Systems and Safety Systems

The NRC's understanding of "protection systems" and "safety systems" as used in 10 CFR 50.55a(h) remains the same as described in the 1999 rulemaking to incorporate IEEE Std 603–1991 by reference into 10 CFR 50.55a (64 FR 17944; April 13, 1999). Currently, 10 CFR 50.55a(h) specifies that "protection systems" for plants with construction permits issued after January 1, 1971, but before May 13, 1999, must meet the requirements in IEEE Std 279–1968, "Proposed IEEE Criteria for Nuclear Power Plant

Protection Systems," or the requirements in IEEE Std 279–1971, "Criteria for Protection Systems for Nuclear Power Generating Stations," or the requirements in IEEE Std 603–1991, "Criteria for Safety Systems for Nuclear Power Generating Stations, and the correction sheet dated January 30, 1995. IEEE Std 279–1971 states that a "protection system" encompasses all electric and mechanical devices and circuitry (from sensors to actuation device input terminals) involved in generating those signals associated with the protective function. These signals include those that actuate reactor trip and that, in the event of a serious reactor accident, actuate engineered safety features, such as containment isolation, core spray, safety injection, pressure reduction, and air cleaning. In turn, "protective function" is defined in IEEE Std 279–1971 as the sensing of one or more variables associated with a particular generating station condition, signal processing, and the initiation and completion of the protective action at values of the variables established in the design bases.

IEEE Std 603–2018 uses the term "safety systems" rather than "protection systems" to define its scope. A "safety system" is defined in IEEE Std 603–2018 as a system that is relied upon to remain functional during and following design basis events to assure one of the following: (a) The integrity of the reactor coolant pressure boundary, (b) the capability to shut down the reactor and maintain it in a safe shutdown condition, or (c) the capability to prevent or mitigate the consequences of accidents that could result in potential offsite exposures comparable to regulatory guidelines. A "safety function" is defined in IEEE Std 603–2018 as one of the processes or conditions (for example, emergency negative reactivity insertion, post-accident heat removal, emergency core cooling, post-accident radioactivity removal, and containment isolation) essential to maintain plant parameters within acceptable limits established for a design basis event.

The NRC recognizes that "protection systems" are a subset of "safety systems." Safety system is a broad-based and all-encompassing term, embracing the protection system in addition to other electrical systems. Thus, the term "protection system" is not synonymous with the term "safety system." This proposed rule would not change the scope of the systems covered in the final safety analysis report for currently operating nuclear power plants.

IV. Section-by-Section Analysis

The following paragraphs describe the specific changes proposed by this rulemaking.

Section 50.55a Codes and Standards

This proposed rule would revise paragraphs (a) and paragraphs (h)(2) and (h)(3) to include the IEEE standard 603–2018 and revise introductory text to paragraph (h) to align for readability.

Section 50.69 Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors

This proposed rule would revise paragraph (b)(v) to extend that provision to allow risk-informed alternatives to Clauses 5.3 and 5.4 of IEEE 603–2018 for certain systems, structure, and components.

Appendix E to 10 CFR Part 50—Emergency Planning and Preparedness for Production and Utilization Facilities

This proposed rule would correct the title, from “Protection Systems” to “Protection and safety systems,” referenced in footnote 7 of appendix E to 10 CFR part 50.

V. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of “small entities” set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

VI. Regulatory Analysis

The NRC has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The NRC requests public comment on the draft regulatory analysis. The regulatory analysis is available as indicated in the “Availability of Documents” section of this document. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESSES** caption of this document.

VII. Backfitting and Issue Finality

The NRC’s Backfit Rule in 10 CFR 50.109 states that the NRC shall require the backfitting of a facility only when it finds the action to be justified under specific standards stated in the

rule. Section 50.109(a)(1) defines backfitting as the modification of or addition to systems, structures, components, or design of a facility; the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct, or operate a facility. Any of these modifications or additions may result from a new or amended provision in the NRC’s rules or the imposition of a regulatory position interpreting the NRC’s rules that is either new or different from a previously applicable NRC position after issuance of the construction permit or the operating license or the design approval.

This rulemaking proposes to incorporate by reference the IEEE 603–2018. This proposed rule would not change requirements for existing licensees or applicants. If existing licensees or applicants request changes to their power and instrumentation control systems, this proposed rule would allow them to voluntarily comply with IEEE Std 603–2018 instead of other existing requirements. The proposed rule would require applicants and holders of new construction permits, new operating licenses, new final design certifications, and new combined licenses to meet IEEE Std 603–2018 after the effective date of the rule. However, changes in requirements for new applicants or licensees do not constitute backfitting. Therefore, this proposed rule, if finalized, would not constitute “backfitting” as defined in 10 CFR 50.109(a)(1).

VIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998, (63 FR 31885). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

IX. Environmental Assessment and Proposed Finding of No Significant Environmental Impact

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission’s regulations in subpart A of 10 CFR part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment, and therefore an environmental impact statement is not required.

The proposed rule does not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off-site, and there is no significant increase in public radiation exposure. This proposed rule does not involve non-radiological plant effluents and has no other environmental impact. Therefore, no significant non-radiological impacts are associated with this proposed action.

The determination of this environmental assessment is that there will be no significant effect on the quality of the human environment from this action. Public stakeholders should note; however, that comments on any aspect of this environmental assessment may be submitted to the NRC as indicated under the **ADDRESSES** caption.

X. Paperwork Reduction Act

This proposed rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget (OMB), approval numbers 3150–0011, 3150–0264, and 3150–0151.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XI. Executive Orders

The following are Executive orders that are related to this proposed rule:

A. Executive Order 12866: Regulatory Planning and Review (as Amended by Executive Order 14215, Ensuring Accountability for All Agencies)

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

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is a regulatory action as defined by E.O. 14192. Details on the estimated costs of this proposed rule can be found in Section VI of this document, “Regulatory Analysis.”

D. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy

E.O. 14270, “Zero-Based Regulatory Budgeting to Unleash American Energy,” requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the Atomic Energy Act of 1954, as amended (AEA), the Energy Reorganization Act of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (NWPAA); (2) not statutorily required; and (3) not part of the NRC’s permitting regime. The NRC determined that the regulatory changes proposed in this rule are part of the NRC’s regulatory permitting scheme authorized by the AEA. Therefore, the NRC views this rulemaking to be outside the scope of Executive Order 14270 and did not insert conditional sunset dates for the regulatory changes in this proposed rule.

XII. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or is otherwise impractical. In this proposed rule, the NRC would incorporate the following voluntary consensus standard: IEEE Std 603–2018, Institute of Electrical and Electronics Engineers, September 27, 2018. The NRC invites comment on the applicability and use of other standards.

XIII. Incorporation by Reference—Reasonable Availability to Interested Parties

The NRC proposes to incorporate by reference the IEEE Std 603–2018. When applying IEEE Std 603–2018, the first sentence within Clause 5.16, “Common-cause failure,” captures the only regulatory requirement of Clause 5.16, that the safety system design and development shall address CCFs that create a potential to degrade or defeat the safety system function. As described in the “Background” and “Discussion” sections of this document, the material contains standards for establishing the minimum functional and design criteria for the power, instrumentation, and control portions of safety systems for nuclear power generating stations.

The NRC is required by law to obtain approval for incorporation by reference from the Office of the Federal Register (OFR). The OFR’s requirements for incorporation by reference are set forth

in 1 CFR part 51. On November 7, 2014, the OFR adopted changes to its regulations governing incorporation by reference (79 FR 66267). The OFR regulations require an agency to include in a proposed rule a discussion of the ways that the material the agency proposes to incorporate by reference are reasonably available to interested parties or how it worked to make the material reasonably available to interested parties. The discussion in this section complies with the requirement for proposed rules as set forth in 1 CFR 51.5(a)(1).

The NRC considers “interested parties” to include all potential NRC stakeholders and not only the individuals and entities regulated or otherwise subject to the NRC’s regulatory oversight. These NRC stakeholders are not a homogenous group but vary with respect to the considerations for determining reasonable availability. Therefore, the NRC distinguishes between different classes of interested parties for the purposes of determining whether the material is “reasonably available.” The NRC considers the following to be classes of interested parties in NRC rulemakings with regard to the material to be incorporated by reference:

- Individuals and small entities regulated or otherwise subject to the NRC’s regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, “small entities” has the same meaning as a “small entity” under 10 CFR 2.810.
- Large entities otherwise subject to the NRC’s regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, “large entities” are those that do not qualify as a “small entity” under 10 CFR 2.810.
- Non-governmental organizations with institutional interests in the matters regulated by the NRC.
- Other Federal agencies, States, local governmental bodies (within the meaning of 10 CFR 2.315(c)).
- Federally-recognized and State-recognized ¹ Indian Tribes.

¹ State-recognized Indian Tribes are not within the scope of 10 CFR 2.351(c). However, for purposes of the NRC’s compliance with 1 CFR 51.5, “interested parties,” includes a broad set of stakeholders, including State-recognized Indian Tribes.

- Members of the public (*i.e.*, individual, unaffiliated members of the public who are not regulated or otherwise subject to the NRC’s regulatory oversight) who may wish to gain access to the material that the NRC proposes to incorporate by reference by rulemaking in order to participate in the rulemaking process.

The IEEE 603–2018 Standard may be viewed, by appointment, at the Technical Library, which is located at Two White Flint, 11545 Rockville Pike, Rockville, Maryland 20852. You may submit your request to the Technical Library via email at Library.Resource@nrc.gov between 8:00 a.m. and 4:00 p.m. eastern time, Monday through Friday, except Federal holidays. In addition, as described in Section XVI of this document, documents related to this proposed rule are available online in the NRC’s ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>.

Interested parties may purchase a copy of the IEEE material at the IEEE Standards Association website, <https://standards.ieee.org/>. The material also is accessible through a third-party subscription service such as Accurist IHS (15 Inverness Way East, Englewood, CO 80112; <https://store accuristech.com/publishers/ieee>).

The material is available to all interested parties in multiple ways and in a manner consistent with their interest in this proposed rule. Therefore, the NRC concludes that the material the NRC proposes to incorporate by reference in this proposed rule is reasonably available to all interested parties.

XIV. Availability of Guidance

The NRC is issuing draft guidance in conjunction with this proposed rule. Draft Regulatory Guide (DG) DG–1251, Revision 1, “Guidance for the Power, Instrumentation, and Control Portions of Safety Systems for Nuclear Power Plants” (Regulatory Guide 1.153, Revision 2; ADAMS Accession No. ML25114A021), would provide additional guidance for implementing the requirements of the rule. DG–1251 is based upon the discussion in this proposed rule and does not modify the scope of paragraph 50.55a(h) of 10 CFR part 50. The NRC requests public comment on the draft regulatory guide. Comments on the draft guidance may be submitted by the methods provided in Section I, “Obtaining Information and Submitting Comments,” of this document.

XV. Public Meeting

The NRC will conduct a public meeting on the proposed rule for the purpose of describing the incorporation by reference of the 2018 version of the IEEE 603 standard. The NRC staff will be available to answer questions from the public regarding this proposed rule.

The NRC will publish a notice of the location, time, and agenda of the meeting in the **Federal Register**, on *Regulations.gov*, and on the NRC's public meeting website within at least 10 calendar days before the meeting. Stakeholders should monitor the NRC's public meeting website for information about the public meeting at: [https://](https://www.nrc.gov/public-involve/public-meetings/index.cfm)

www.nrc.gov/public-involve/public-meetings/index.cfm.

XVI. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No./ web link/ Federal Register citation
Proposed Rule Documents	
Proposed Rule—Regulatory Analysis for Incorporation by Reference of Institute of Electrical Engineers Standard 603–2018, November 14, 2025.	ML24353A321.
Proposed Rule—Unofficial Redline Strikeout of the NRC's Proposed Rule: Incorporation by Reference of Institute of Electrical Engineers Standard 603–2018, November 26, 2025.	ML24353A325.
Draft Regulatory Guide DG–1251, Revision 1, "Guidance for the Power, Instrumentation, and Control Portions of Safety Systems for Nuclear Power Plants," December 2025 (Regulatory Guide 1.153, Revision 2).	ML25114A021.
Related Documents	
NUREG–0800, "Standard Review Plan," Chapter 7, Branch Technical Position 7–19 (BTP 7–19), Revision 9, "Guidance for Evaluation of Defense in Depth and Diversity to Address Common-Cause Failure Due to Latent Design Defects in Digital Instrumentation and Control Systems," May 2024.	ML24005A077 BTP.
Public Meeting Summary—Summary of September 19, 2024, Public Meeting to Discuss Proposed Path Forward for Industry's Use of Institute of Electrical and Electronics Engineers Standard (IEEE) 603–2018, Criteria for Safety Systems, October 17, 2024.	ML24289A230 summary, ML24289A210 package.
Public Meeting Presentation—Proposed Path Forward for Industry's Use of Institute of Electrical and Electronics Engineers Standard (IEEE) 603–2018, Criteria for Safety Systems, September 19, 2024.	ML24262A141.
SRM–S22–0076–1—Final Revision to Standard Review Plan Branch Technical Position 7–19, Guidance for Evaluation of Defense in Depth and Diversity to Address Common-Cause Failure Due to Latent Design Defects in Digital Instrumentation and Control Systems, April 25, 2024.	ML24005A119 package.
Letter from Nuclear Energy Institute (NEI), "NEI Recommendations for IEEE 603–2018, IEEE Standard Criteria for Safety Systems for Nuclear Power Generating Stations, Path Forward," November 3, 2023.	ML23307A127.
Public Meeting Presentation—Proposed Path Forward for Industry's Use of Institute of Electrical and Electronics Engineers Standard (IEEE) 603–2018, Criteria for Safety Systems, September 14, 2023.	ML23240A399.
SRM–SECY–22–0076, Expansion of Current Policy on Potential Common-Cause Failures in Digital Instrumentation and Control Systems, May 25, 2023.	ML23145A176.
SECY–22–0076, Expansion of Current Policy on Potential Common-Cause Failures in Digital Instrumentation and Control Systems, August 10, 2022.	ML22164B003.
Final Rule—Codes and Standards: IEEE National Consensus Standard, April 13, 1999	64 FR 17944.
SRM–SECY–98–144, White Paper on Risk-informed and Performance Based Regulation, March 1, 1999.	ML003753601.
Final Rule—Incorporation by Reference, November 7, 2014	79 FR 66267.
Plain Language in Government Writing, June 10, 1998	63 FR 31885.
Design Review Guide (DRG): Instrumentation and Controls for Non-Light-Water Reactor (Non-LWR) Reviews, February 26, 2021.	ML21011A140.
Executive Order 12866, "Regulatory Planning and Review," October 4, 1993	58 FR 51735.
Executive Order 14154, "Unleashing American Energy," January 29, 2025	90 FR 8353.
Executive Order 14192, "Unleashing Prosperity Through Deregulation," February 6, 2025	90 FR 9065.
Executive Order 14270, "Zero-Based Regulatory Budgeting to Unleash American Energy," April 15, 2025.	90 FR 15643.
IEEE Standard	
Institute of Electrical and Electronics Engineers (IEEE) Standards Association, Standard (Std) 603–2018, "IEEE Standard Criteria for Safety Systems for Nuclear Power Generating Stations," September 27, 2018.	https://standards.ieee.org/ .
Accuris Standards Store (Formerly IHS)	https://store.accuristech.com/publishers/ieee .

The NRC may post materials related to this document, including public comments, on the Federal rulemaking

website at <https://www.regulations.gov> under Docket ID NRC–2024–0045. In addition, the Federal rulemaking

website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe:

(1) navigate to the docket folder (NRC–2024–0045); (2) click the “Subscribe” button; and (3) enter an email address and click on the “Subscribe” button.

List of Subjects in 10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to amend 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Sec. 109, Pub. L. 96–295, 94 Stat. 783.

■ 2. In § 50.55a:

- a. In paragraph (a)(2), add paragraph (v);
- b. Revise introductory text to paragraph (h) and paragraphs (h)(2) and (3);

The revision and addition read as follows:

§ 50.55a Codes and standards.

(v) IEEE standard 603–2018. (IEEE Std 603–2018), “Standard Criteria for Safety Systems for Nuclear Power Generating Stations” (Approval date: September 27, 2018), referenced in paragraphs (h)(2) and (h)(3) of this section. All other standards that are referenced in IEEE Std 603–2018 are not approved for incorporation by reference.

(h) *Protection and safety systems.* Protection and safety systems of nuclear power reactors of all types must meet the requirements specified in this

paragraph. Each combined license for a utilization facility is subject to the following conditions. * * *

(2) * * *

(i) For nuclear power plants with construction permits issued after January 1, 1971, but before May 13, 1999, protection systems must meet the requirements in IEEE Std 279–1968, “Proposed IEEE Criteria for Nuclear Power Plant Protection Systems,” or the requirements in IEEE Std 279–1971, “Criteria for Protection Systems for Nuclear Power Generating Stations,” or the requirements in IEEE Std 603–1991, “Criteria for Safety Systems for Nuclear Power Generating Stations,” and the correction sheet dated January 30, 1995, or the requirements in IEEE Std 603–2018, “Criteria for Safety Systems for Nuclear Power Generating Stations.” When applying IEEE Std 603–2018, the first sentence within Clause 5.16, “Common-cause failure,” captures the only regulatory requirement of Clause 5.16, that the safety system design and development shall address common-cause failures (CCFs) that create a potential to degrade or defeat the safety system function.

(ii) For nuclear power plants with construction permits issued before January 1, 1971, protection systems must be consistent with their licensing basis or may meet the requirements of IEEE Std 603–1991 and the correction sheet dated January 30, 1995, or the requirements in IEEE Std 603–2018, dated September 27, 2018. When applying IEEE Std 603–2018, Clause 5.16, “Common-cause failure,” the first sentence within Clause 5.16, “Common-cause failure,” captures the only regulatory requirement of Clause 5.16, that the safety system design and development shall address CCFs that create a potential to degrade or defeat the safety system function.

(3) Safety systems.

(i) Applications filed on or after May 13, 1999, but before [DATE 30 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **FEDERAL REGISTER**], for construction permits and operating licenses under this part, and for design approvals, design certifications, and combined licenses under part 52 of this chapter, must meet the requirements for safety systems in IEEE Std 603–1991 and the correction sheet dated January 30, 1995, or the requirements in IEEE Std 603–2018. When applying IEEE Std 603–2018, the first sentence within Clause 5.16, “Common-cause failure,” captures the only regulatory requirement of Clause 5.16, that the safety system design and development shall address CCFs that

create a potential to degrade or defeat the safety system function.

(ii) Applications filed on or after [DATE 30 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **FEDERAL REGISTER**], for construction permits and operating licenses under this part, and for design approvals, design certifications, and combined licenses under part 52 of this chapter, must meet the requirements for safety systems in IEEE Std 603–2018, dated September 27, 2018. When applying IEEE Std 603–2018, the first sentence within Clause 5.16, “Common-cause failure,” captures the only regulatory requirement of Clause 5.16, that the safety system design and development shall address CCFs that create a potential to degrade or defeat the safety system function.

* * * * *

■ 3. In § 50.69, revise paragraph (b)(1)(v) to read as follows:

§ 50.69 Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors.

* * * * *

(b) * * *

(1) * * *

(v) The inservice testing requirements in 10 CFR 50.55a(f); the inservice inspection, and repair and replacement (with the exception of fracture toughness), requirements for ASME Class 2 and Class 3 SSCs in 10 CFR 50.55a(g); and the electrical component quality and qualification requirements in Sections 4.3 and 4.4 of IEEE 279, Clauses 5.3 and 5.4 of IEEE 603–1991, and Clauses 5.3 and 5.4 of IEEE 603–2018 as incorporated by reference in 10 CFR 50.55a(h).

* * * * *

■ 4. In appendix E to 10 CFR part 50, revise footnote 7 in appendix E to read as follows:

Appendix E to 10 CFR Part 50

* * * * *

VI. * * *

1. * * *

2. * * *

a. * * *

[7] See 10 CFR 50.55a(h), Protection and safety systems.

* * * * *

Dated: December 1, 2025.

For the Nuclear Regulatory Commission.

Michael King,

Acting Executive Director for Operations.

[FR Doc. 2025–23428 Filed 12–18–25; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION**12 CFR Part 303**

RIN 3064–AG20

Approval Requirements for Issuance of Payment Stablecoins by Subsidiaries of FDIC-Supervised Insured Depository Institutions**AGENCY:** Federal Deposit Insurance Corporation.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is soliciting comments on a proposal that would establish procedures to be followed by an insured State nonmember bank or State savings association (each, an FDIC-supervised institution) that seeks to obtain FDIC approval to issue payment stablecoins through a subsidiary pursuant to the Guiding and Establishing National Innovation for U.S. Stablecoins Act (GENIUS Act).

DATES: Comments must be received by the FDIC no later than February 17, 2026.

ADDRESSES: You may submit comments, identified by RIN 3064–AG20, by any of the following methods:

- **FDIC Website:** <https://www.fdic.gov/federal-register-publications>. Follow instructions for submitting comments on the agency website.
- **Email:** Comments@fdic.gov. Include RIN 3064–AG20 in the subject line of the message.
- **Mail:** Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments—RIN 3064–AG20, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- **Hand Delivery to FDIC:** Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street) on business days between 7 a.m. and 5 p.m.
- **Public Inspection:** Comments received, including any personal information provided, may be posted without change to <https://www.fdic.gov/federal-register-publications>. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases

will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of the proposed rule will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

This proposal, all comments received, and a summary of not more than 100 words of the proposed rule pursuant to the Providing Accountability Through Transparency Act of 2023 are available at <https://www.fdic.gov/federal-register-publications>.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:**I. Policy Objectives**

The FDIC is issuing this notice of proposed rulemaking (proposed rule) to implement certain application provisions under the GENIUS Act (or the Act).¹ The proposed rule would establish a tailored application process for an FDIC-supervised institution to obtain approval from the FDIC to issue payment stablecoins² through a subsidiary. The FDIC seeks to evaluate the safety and soundness of an applicant's proposed activities based on consideration of statutory factors and support the responsible growth and use of digital assets and related

¹ Public Law 119–27, 139 Stat. 419 (codified at 12 U.S.C. 5901–5916).

² See 12 U.S.C. 5902. The GENIUS Act defines a payment stablecoin as a digital asset 1) that is, or is designed to be, used as a means of payment or settlement and 2) the issuer of which is obligated to convert, redeem, or repurchase for a fixed amount of monetary value and represents or creates the reasonable expectation that it will maintain a stable value relative to a fixed amount of monetary value. 12 U.S.C. 5901(22)(A). The GENIUS Act further provides that a payment stablecoin is not a national currency, deposit, or security. 12 U.S.C. 5901(22)(B). Stablecoins that are used or designed for other purposes, such as non-payment stablecoins, are outside the scope of this proposed rule.

technologies³ while minimizing the regulatory burden on applicants.

II. Background and Authority**A. GENIUS Act Overview**

The GENIUS Act was enacted on July 18, 2025, and will become effective on January 18, 2027, or 120 days after the date on which the primary Federal payment stablecoin regulators⁴ issue any final implementing regulations, if earlier.⁵ This proposed rule, once finalized, will implement the Federal statutory framework for applications for issuance of payment stablecoins and related payment stablecoin activities by subsidiaries of FDIC-supervised institutions for which the FDIC is the primary Federal payment stablecoin regulator, as defined under section 2 of the Act.⁶ A subsidiary of an insured depository institution (IDI)⁷ that has been approved to issue payment stablecoins under section 5 of the GENIUS Act is a permitted payment stablecoin issuer, or PPSI.

Under the GENIUS Act, subject to certain limited exceptions, only a PPSI may issue a payment stablecoin in the United States. A PPSI is a person⁸ formed in the United States that is (1) a subsidiary of an IDI approved by its primary Federal payment stablecoin regulator; (2) a Federal qualified payment stablecoin issuer approved by the OCC; or (3) a State-qualified payment stablecoin issuer approved by its State payment stablecoin regulator.⁹ With respect to a PPSI that is a subsidiary of an IDI, the PPSI's primary Federal payment stablecoin regulator is the same as the IDI's appropriate Federal banking agency under section 3 of the Federal Deposit Insurance (FDI)

³ See Executive Order 14178, Strengthening American Leadership in Digital Financial Technology, 90 FR 8647 (Jan. 31, 2025).

⁴ The primary Federal payment stablecoin regulators are the FDIC, the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (FRB), and the National Credit Union Administration (NCUA). See 12 U.S.C. 5901(25).

⁵ Section 20 of the GENIUS Act, governing the effective date, is codified in the note to 12 U.S.C. 5901.

⁶ 12 U.S.C. 5901(25).

⁷ “Insured depository institution” is defined in section 2(15) of the GENIUS Act, 12 U.S.C. 5901(15). The GENIUS Act uses the term “insured depository institution” to refer to both an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1813) and an insured credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

⁸ The GENIUS Act defines a “person” as an individual, partnership, company, corporation, association, trust, estate, cooperative organization, or other business entity, incorporated or unincorporated. 12 U.S.C. 5091(24).

⁹ See 12 U.S.C. 5901(23).

Act or the National Credit Union Administration, as applicable.¹⁰

The FDIC is the appropriate Federal banking agency of each IDI that is a State-chartered insured bank that is not a member of the Federal Reserve System (State non-member bank)¹¹ and each State-chartered savings association (State savings association) (collectively, as noted above, FDIC-supervised institutions).¹² Accordingly, an FDIC-supervised institution must obtain approval for its subsidiary PPSI from the FDIC pursuant to the GENIUS Act and, once the application is approved, the FDIC will supervise that PPSI as its primary Federal payment stablecoin regulator.

B. Statutory Requirements and Authority for Approving PPSI Applications

1. Authority To Accept and Process PPSI Applications

Section 5 of the GENIUS Act directs the FDIC, and the other primary Federal payment stablecoin regulators, to establish a process and Federal framework for the licensing, regulation, examination, and supervision of PPSIs that prioritizes the safety and soundness of such entities.¹³ As required by the GENIUS Act, this proposed rule would establish a process and Federal framework for the acceptance and processing of PPSI applications¹⁴ from FDIC-supervised institutions that is consistent with the requirements of the Act.¹⁵

2. Overview of the Application Process

In connection with the processing of applications to issue payment stablecoins, section 5 of the GENIUS Act includes specific timelines, evaluation criteria, and appeal rights for denied applicants.

The FDIC is required to evaluate and make a determination on a substantially

complete application¹⁶ using the factors listed in section 5(c) of the GENIUS Act, including the subsidiary's ability to meet statutory and regulatory requirements and other factors related to management and safety and soundness.¹⁷ These factors are discussed in greater detail in section II.B.3 of this document. The GENIUS Act provides that the FDIC shall only deny an application upon determining that the activities of the applicant (including the proposed activities of the subsidiary) would be unsafe or unsound based on the factors.¹⁸

If the FDIC denies an application, it must provide the applicant with an opportunity to appeal. The GENIUS Act sets forth specific timelines for requesting an appeal, holding a hearing, and issuing a final decision, but is silent on the modus for appeal.¹⁹ Lastly, the GENIUS Act states that a denial does not prohibit an applicant from filing a subsequent application.²⁰

3. Required Factors for the Evaluation of Applications

a. Ability To Meet Requirements for Issuing Payment Stablecoins Under Section 4 of the GENIUS Act

When evaluating an application, section 5(c)(1) of the GENIUS Act provides that the FDIC is required to consider the ability of the IDI's subsidiary, based on financial condition and resources, to meet the requirements for issuing payment stablecoins set forth in section 4 of the GENIUS Act.²¹ Section 4 sets out standards for the issuance of payment stablecoins by PPSIs.²² Section 4 requires that a PPSI maintain identifiable reserves backing the outstanding payment stablecoins on at least a 1 to 1 basis, comprised of specified categories of reserves,²³ and the ability to relatedly meet the monthly reserve disclosure requirements

applicable to a PPSI. The reserve disclosure requirements include disclosing the composition of the PPSI's reserves on its website²⁴ and submitting to the FDIC certified reports examined by a public accounting firm regarding the prior month's reserve composition disclosure.²⁵

Additionally, the FDIC is required to consider the ability of the IDI's subsidiary, based on financial condition and resources, to comply with forthcoming regulations to be issued by the FDIC regarding capital requirements; liquidity requirements; reserve asset diversification; and operational, compliance, and information technology risk management principles-based requirements and standards, including Bank Secrecy Act (BSA) and sanctions compliance standards.²⁶

Section 4 also establishes certain limitations on a PPSI's activities and generally only permits PPSIs to issue and redeem payment stablecoins, manage related reserves, provide certain payment stablecoin and reserve custodial and safekeeping services,²⁷ undertake other activities that directly support those activities,²⁸ and engage in digital asset service provider activities.²⁹ In addition, section 4 establishes, subject to limited exceptions, a prohibition on pledging, rehypothecating, or reusing a PPSI's reserves assets.³⁰

b. Factors Related to Management

The FDIC is also required to consider factors related to management described in sections 5(c)(2) and 5(c)(3) of the GENIUS Act. Section 5(c)(2) requires the FDIC to consider whether an individual that has been convicted of a felony

²⁴ 12 U.S.C. 5903(a)(1)(C).

²⁵ 12 U.S.C. 5903(a)(3)(A).

²⁶ 12 U.S.C. 5903(a)(4)(A). The FDIC is currently developing proposed regulations that will be issued for public comment. Section 4(a)(5) of the GENIUS Act treats a PPSI as a financial institution for purposes of the BSA and subjects the PPSI to all applicable Federal laws relating to economic sanctions, prevention of money laundering, customer identification, and due diligence. *See* 12 U.S.C. 5903(a)(5)(A). The FDIC will consider any BSA and sanctions regulations that may be issued by the U.S. Department of the Treasury.

²⁷ If federally supervised, an approved PPSI can engage in custody and safekeeping services for payment stablecoin reserves, payment stablecoins used as collateral, and private keys used to issue permitted payment stablecoins. *See* 12 U.S.C. 5909(a).

²⁸ 12 U.S.C. 5903(a)(7)(A). In addition to payment stablecoin activities of the PPSI, the FDIC-supervised institution may engage in certain payment stablecoin activities pursuant to section 16(b) of the GENIUS Act. *See* 12 U.S.C. 5915(b). Issuance, however, is limited to the PPSI, which is the FDIC-supervised institution's subsidiary.

²⁹ *See* 12 U.S.C. 5903(a)(7)(B); 12 U.S.C. 5901(7) (defining digital asset service provider).

³⁰ 12 U.S.C. 5903(a)(2).

¹⁰ *See* 12 U.S.C. 5901(1), (23), (25)(A); 12 U.S.C. 5904.

¹¹ The term "State nonmember bank" includes any insured State bank that is an industrial bank, industrial loan company, or other similar institution that is excluded from the definition of "bank" in section 2(c)(2)(H) of the Bank Holding Company Act (12 U.S.C. 1841(c)(2)(H)). *See* FDI Act section 3(a)(2) (12 U.S.C. 1813(a)(2)); 12 CFR part 347.

¹² *See* 12 U.S.C. 1813(q). As of September 30, 2025, the FDIC supervises approximately 2,772 insured State nonmember banks and insured State savings associations. FDIC Call Report Data, September 30, 2025. The FDIC is also the appropriate Federal banking agency of any foreign bank having an insured State branch.

¹³ *See* 12 U.S.C. 5904(a)(1)(B).

¹⁴ *See* 12 U.S.C. 5904(a)(2).

¹⁵ *See* 12 U.S.C. 5904(g).

¹⁶ The GENIUS Act provides that an application is substantially complete if it contains sufficient information for the FDIC to render a decision on whether the applicant satisfies specified statutory factors. *See* 12 U.S.C. 5904(d)(1)(B)(i). For applications pending as of the effective date of the GENIUS Act, section 5(f) of the Act authorizes the FDIC to provide a safe harbor for an FDIC-supervised institution's subsidiary and waive requirements under the GENIUS Act for up to 12 months from the Act's effective date. 12 U.S.C. 5904(f).

¹⁷ *See* 12 U.S.C. 5904(c).

¹⁸ 12 U.S.C. 5904(d)(2)(A)(i). The GENIUS Act provides that the issuance of a payment stablecoin on an open, public, or decentralized network is not a valid basis for denying an application. 12 U.S.C. 5904(d)(2)(A)(ii).

¹⁹ 12 U.S.C. 5904(d)(2)(C).

²⁰ 12 U.S.C. 5904(d)(4).

²¹ 12 U.S.C. 5903.

²² 12 U.S.C. 5903(a).

²³ 12 U.S.C. 5903(a)(1)(A).

offense involving insider trading, embezzlement, cybercrime, money laundering, financing of terrorism, or financial fraud is serving as an officer or director of the applicant.³¹ Section 5(c)(3) requires the FDIC to consider the competence, experience, and integrity of the officers, directors, and principal shareholders of the applicant, its subsidiaries, and parent company, including the record of compliance with laws and regulations and ability to fulfill any commitments and conditions of the FDIC in connection with the application and prior applications.³²

c. Redemption Policy

Under section 5(c)(4) of the GENIUS Act, the FDIC is required to consider whether the applicant's redemption policy can meet the standards specified under section 4(a)(1)(B).³³ This includes whether the applicant has established clear and conspicuous procedures for timely redemption of outstanding payment stablecoins;³⁴ whether the PPSI will publicly, clearly, and conspicuously disclose, in plain language, all fees associated with purchasing or redeeming its payment stablecoins;³⁵ and whether the PPSI will meet the prohibition on changing such fees without at least 7 days' prior notice to consumers.³⁶

d. Other Factors

Lastly, section 5(c)(5) of the GENIUS Act allows the FDIC to establish and consider any other factors as necessary to ensure the safety and soundness of the PPSI when evaluating an application.³⁷ The FDIC is not proposing to establish any additional factors pursuant to section 5(c)(5) of the GENIUS Act at this time.

III. Description of the Proposed Rule

A. Overview of the Proposed Application Procedures

To implement the statutory requirements described above, the proposed rule would add a new § 303.252 to title 12, part 303, subpart M of the FDIC Rules and Regulations, titled "Permitted payment stablecoin issuers." This new section would apply to FDIC-supervised institutions that seek to issue payment stablecoins through a subsidiary. The proposed rule, as described below, addresses scope; definitions; filing location;

contents of the filing; additional information for applications; processing decisions; and hearing and appeal procedures and final determination. The proposed rule would implement the requirements of section 5 of the GENIUS Act with respect to evaluating the factors, processing applications within specified timeframes, and establishing an appeal process. As required under the GENIUS Act, the FDIC would only deny an application if the activities of the applicant would be unsafe or unsound based on the factors described in section 5(c) of the Act.

B. Description of Proposed Application Procedures

1. Scope

Paragraph (a) of proposed § 303.252 would establish the scope of the proposed section. It would state that proposed § 303.252 sets forth the application requirements and procedures for an FDIC-supervised institution to submit an application to issue payment stablecoins through a subsidiary that would become a PPSI under the GENIUS Act.

2. Definitions

Paragraph (b) would define relevant terms for purposes of proposed § 303.252. The term "applicant" would mean an FDIC-insured State nonmember bank or an FDIC-insured State savings association that seeks to issue payment stablecoins through a subsidiary. This definition would distinguish the applicant—the FDIC-supervised institution—from the PPSI subsidiary through which the institution would issue payment stablecoins and perform certain other payment stablecoin activities permitted by the GENIUS Act. "Digital asset service provider," "payment stablecoin," and "permitted payment stablecoin issuer" would be defined by referencing the relevant definitions in section 2 of the GENIUS Act. The terms "State nonmember bank," "State savings association," and "subsidiary" would have the meanings given those terms in section 3 of the FDI Act.³⁸ Finally, the term "substantially complete" would be defined in a manner consistent with the standard set forth in section 5(d)(1)(B)(i) of the GENIUS Act.

3. Filing Location

Paragraph (c) of proposed § 303.252 would state that applications under the new section shall be filed with the appropriate FDIC region, as defined in 12 CFR 303.2(g), which is consistent with the FDIC's practice for receiving other types of applications.

4. Contents of Filing

Paragraph (d) of proposed § 303.252 would describe the contents of the filing. Under the proposed rule, the applicant would submit information to the FDIC in the form of a letter application that would contain the information listed in the regulation, to the extent applicable. Paragraph (d) would minimize the regulatory burden for applicants by requesting only information necessary to evaluate the factors to be considered under section 5(c) of the GENIUS Act and to determine the safety and soundness of the proposed activities of the applicant, inclusive of the activities of its subsidiary. Whenever possible, the FDIC would utilize information already available to it as the primary Federal regulator of the applicant, such as supervisory and examination information, rather than requiring duplicative information to be submitted as part of an application. Given that the applicant would be an FDIC-supervised institution, known to the appropriate region, the FDIC, at this time, has not proposed to establish any additional factors pursuant to section 5(c)(5) of the GENIUS Act. The applicant may, however, include any other materials or information that it would like the FDIC to consider.

Proposed paragraph (d)(1) would require a description of the proposed payment stablecoin and the proposed activities of the subsidiary of the applicant, including related activities of the applicant, how the subsidiary plans to maintain the proposed payment stablecoin's stable value, or the reasonable expectation thereof, and any proposed incidental activities to the payment stablecoin activities or digital asset service provider activities. The FDIC would expect that the applicant's materials provide a description of the characteristics and features of the proposed payment stablecoin as well as the identities, roles, and responsibilities of the entities involved in the proposed payment stablecoin activities. The FDIC would expect applicants to describe what activities would be performed at the applicant and subsidiary levels regarding the proposed payment stablecoin, as well as whether any third parties would participate in the

³¹ 12 U.S.C. 5904(c)(2).

³² 12 U.S.C. 5904(c)(3).

³³ 12 U.S.C. 5904(c)(4).

³⁴ 12 U.S.C. 5903(a)(1)(B)(i).

³⁵ 12 U.S.C. 5903(a)(1)(B)(ii).

³⁶ 12 U.S.C. 5903(a)(1)(B)(ii).

³⁷ 12 U.S.C. 5904(c)(5).

³⁸ Section 3(w)(4) of the FDI Act (12 U.S.C. 1813(w)(4)) states that the term "subsidiary" (1) means any company which is owned or controlled directly or indirectly by another company; and (2) includes any service corporation owned in whole or in part by an insured depository institution or any subsidiary of such a service corporation.

proposed payment stablecoin activity. In addition, when describing how the subsidiary plans to maintain the proposed payment stablecoin's stable value, or the reasonable expectation thereof, the FDIC would expect the application to include whether there are any planned applicant-provided sources of strength, applicant guarantees, and/or intercompany agreements. Finally, the FDIC would expect a description of any proposed incidental activities of the applicant or the subsidiary to payment stablecoin activities or digital asset service provider activities, and those that directly support activities that a PPSI may undertake in accordance with section 4(a)(7)(A) of the GENIUS Act. The FDIC is proposing to include this information in the contents of the filing because understanding the proposed payment stablecoin and proposed activities of the subsidiary, including related activities of the applicant, the mechanism to maintain the proposed payment stablecoin's stable value or the reasonable expectation thereof, and any proposed incidental activities and digital asset service provider activities of the subsidiary are necessary to evaluate the ability of the subsidiary in light of its financial condition and resources to meet the requirements set forth under section 4 of the GENIUS Act. Furthermore, information on the proposed payment stablecoin and related activities would be necessary for the FDIC to determine whether the activities of the applicant would be unsafe or unsound based on the factors described in section 5(c), which is the sole basis for any denial.³⁹

Proposed paragraph (d)(2) would request relevant financial information for the subsidiary, including planned capital and liquidity structure; reserve assets and composition and associated asset management plan; and financial projections for the first three years of operations. With respect to a planned capital and liquidity structure, the FDIC may consider any planned financial commitments from the applicant's or subsidiary's officers, directors, and principals or shareholders, or if there is a plan to launch the payment stablecoin as part of a consortium approach. The FDIC would expect that information provided on reserve assets and composition and their associated asset management plan to include a description of whether any reserves are proposed to be in tokenized form. In addition, the FDIC would expect that the asset management plan to contain details of how the applicant or subsidiary would manage the reserves,

including how reserve assets are expected to change and what would prompt such a change in reserves. The FDIC would further expect the relevant financial information, including capital and liquidity, reserve assets and composition, and the associated asset management plan, to demonstrate consistency with forthcoming regulations that would implement the standards required by section 4 of the GENIUS Act. Finally, the applicant would provide financial projections for the first three years of the subsidiary's operations. Such content would generally align with the FDIC's practice of requesting three years of *pro forma* financial statements as a component of other applications, such as with mergers and deposit insurance applications for *de novo* institutions. The information in this proposed paragraph would be relevant to the FDIC's consideration of the factor in section 5(c)(1) of the GENIUS Act regarding the ability of the subsidiary, based on financial condition and resources, to meet the requirements set forth under section 4 of the Act.

Proposed paragraph (d)(3) would state that an application shall contain a description of the subsidiary's ownership and control structure; organizing documents; and a list of the subsidiary's proposed directors, officers, and shareholders (if different from the applicant), including a statement as to whether any of the proposed directors and officers have been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing of terrorism, or financial fraud. The FDIC could accept an organizational chart that includes the requisite information to show the subsidiary's ownership and control structure. The FDIC could accept proposed or draft organizing documents initially, with final versions to be provided when available, either prior to FDIC approval, or subsequently as a condition of the FDIC's approval. If a proposed payment stablecoin is to be backed or offered by multiple banks through a consortium structured as a subsidiary of an FDIC-supervised institution, the FDIC would expect the application to include the governance structure of such arrangement, including expected activities of the other members of the consortium. The FDIC would anticipate accepting and processing a single application on behalf of all other FDIC-supervised members of the consortium if the consortium could be considered a subsidiary of each. The FDIC is proposing to include this information in the contents of the filing because it is

necessary to resolve the factors set forth in sections 5(c)(2) and 5(c)(3) of the GENIUS Act.

Proposed paragraph (d)(4) would require submission of relevant policies and procedures and customer agreements, including for custody and safekeeping; segregating customer and reserve assets; recordkeeping; reconciliation and transaction processing; redemption; and BSA/anti-money laundering (AML)/countering the financing of terrorism (CFT) and economic sanctions requirements pursuant to section 4(a)(5) of the GENIUS Act. When including relevant policies and procedures and customer agreements, the FDIC would expect the applicant to include terms of use, privacy disclosures, any public disclosures required under the GENIUS Act, and any disclosures required by other applicable laws and regulations. Policies and procedures such as those related to custody and safekeeping, segregating customer and reserve assets, recordkeeping, reconciliation, and transaction processing would be relevant for the FDIC to evaluate the financial condition and resources affecting the ability of the subsidiary to meet the requirements set forth under section 4 of the GENIUS Act, pursuant to the factor set forth in section 5(c)(1) of the GENIUS Act. Such information is relevant to the FDIC's evaluation, based on the financial condition and resources of the subsidiary, of whether it would be able to maintain the proposed payment stablecoin's stable value or reasonable expectation thereof, the ability of the subsidiary to meet customer redemption requests, and the accuracy of public disclosures of reserve assets. The FDIC would review any recordkeeping, reconciliation, and transaction processing policies and procedures, including both on- and off-chain procedures. The FDIC would expect the redemption policy, required by section 4(a)(1)(B) of the GENIUS Act, to explain the responsibilities and obligations of the applicant and the subsidiary, the process, conditions, and time period by which the payment stablecoin may be redeemed, who may redeem the payment stablecoin, and the circumstances under which the redemption of the payment stablecoin may be limited, delayed, or suspended. Additionally, the submission of BSA/AML/CFT and economic sanctions information would be necessary to evaluate whether the subsidiary would be able to comply with requirements under section 4 pursuant to the factor in section 5(c)(1) of the GENIUS Act. The submission of the policies, procedures,

³⁹ 12 U.S.C. 5904(d)(2).

and customer agreements enumerated in proposed paragraph (d)(4) is each designed to allow the FDIC to evaluate the factors in section 5(c) of the GENIUS Act and determine whether the activities of the applicant would be unsafe or unsound.

Finally, proposed paragraph (d)(5) would require inclusion of an engagement letter with a registered public accounting firm. This information is intended to demonstrate that the applicant's subsidiary would be able to comply with the examination of monthly reserve reports and certification requirements in section 4 of the GENIUS Act, which is necessary for the FDIC to evaluate the factors in section 5(c)(1) of the GENIUS Act.

5. Additional Information

Paragraph (e) of proposed § 303.252 would specify that the FDIC may request additional information as it deems necessary solely for its consideration of the factors listed in section 5(c) of the GENIUS Act. As described above, to the extent possible, the FDIC would use information available to it as the primary Federal regulator of the applicant rather than requesting duplicative information.

6. Processing

Paragraph (f) of proposed § 303.252 would describe application processing, following the requirements and timelines established by the GENIUS Act. Pursuant to section 5(d)(1)(B)(ii) of the GENIUS Act, the FDIC would notify an applicant as to whether the application is considered substantially complete not later than 30 days after the FDIC receives an application under the proposed section. At that time, if the application is not considered substantially complete—*i.e.*, the application does not contain sufficient information for the FDIC to render a decision on whether the applicant satisfies the factors described in section 5(c) of the GENIUS Act—the FDIC shall specify the additional information the applicant shall provide for the application to be considered substantially complete. Examples of instances where the FDIC might not consider an application to be substantially complete include if it does not provide all of the items required by regulation, if the information provided contains significant gaps or is unclear in any material respect, or if the FDIC determines that there are issues or deficiencies in the information provided that must be resolved or supplied for the FDIC to be able to adequately consider the GENIUS Act factors. This proposed paragraph would also state that,

following notification by the FDIC that the application is considered substantially complete, the applicant shall notify the FDIC if there is a material change in circumstances that would require the FDIC to treat the pending application as a new application, pursuant to section 5(d)(1)(B)(iii) of the GENIUS Act. Such material changes may include a change to the applicant's financial condition, the proposed activities of the PPSI, or any other change that could implicate the safety or soundness of the applicant. The proposed rule would provide that if the FDIC fails to notify the applicant within 30 days after receiving an application, the application shall be deemed substantially complete as of the date it was received by the FDIC.

7. Decisions

The GENIUS Act establishes the Federal payment stablecoin regulators' decision-making process regarding an application, such as timing, considerations, and notices. Therefore, paragraph (g) of proposed § 303.252 would largely follow the language of the GENIUS Act in describing the FDIC's decision-making process. It would state that the FDIC shall approve or deny an application not later than 120 days after receiving a substantially complete application under proposed § 303.252. In accordance with section 5(d) of the GENIUS Act, proposed paragraph (g)(1) would provide for deemed approval, stating that if the FDIC does not render a decision on a substantially complete application within 120 days of receiving a substantially complete application, the application shall be deemed approved. Proposed paragraph (g)(2), regarding approval with conditions, would state that the FDIC may impose conditions upon approving an application, including the standard conditions defined under 12 CFR 303.2(bb), and that such conditions shall not impose requirements in addition to the requirements of section 4 of the GENIUS Act. The FDIC generally intends for approval with conditions to include routine items. This may include, for example, the submission of items that were not included or finalized in the application, such as final organizing documents, or fulfillment of commitments of the applicant such as capital injections. Finally, proposed paragraph (g)(3) would describe the FDIC's denial of an application. The proposed paragraph would state, in accordance with the grounds for denial provided by section 5(d)(1) of the GENIUS Act, that the FDIC shall deny a substantially complete application if the activities of the applicant would be

unsafe or unsound based on the factors to be considered. In accordance with the response and timelines required by section 5(d)(2) of the GENIUS Act, the proposed paragraph would also state that the FDIC shall provide the applicant with written notice of the basis for denial not later than 30 days after the date of such denial with an explanation that shall include all findings made by the FDIC with respect to all identified material shortcomings in the application, including recommendations to address such shortcomings. As described above, the FDIC's proposed paragraph (g) largely follows and reiterates the provisions of the GENIUS Act regarding decisions on applications.

8. Appeal and Final Determination

Section 5(d)(2)(C) of the GENIUS Act provides for hearing and appeal processes following denial of an application, which would be implemented by proposed paragraph (h). In accordance with the GENIUS Act, proposed paragraph (h)(1) would state that not later than 30 days after the receipt of a denial of an application under the proposed section, the applicant may request, in writing, a written or oral hearing before the FDIC. Under the proposed rule, for purposes of an appeal, the FDIC would treat a denial of a PPSI application as akin to a material supervisory determination, requiring a denied applicant to follow procedures similar to the process for an appeal of a material supervisory determination but within the timelines provided under the GENIUS Act. Proposed paragraph (h)(2) would provide the timing for such a hearing. It would state that upon receipt of a timely request for a written or oral hearing, the FDIC shall issue a notice of the time and place for the applicant to submit written materials or provide oral testimony and oral argument. The time for the hearing would be within 30 days of receipt of the request for hearing, in accordance with the required timeline of the GENIUS Act. Proposed paragraph (h)(3) would state that the FDIC shall notify the applicant of its final determination not later than 60 days after the date of a hearing, which shall contain a statement of the basis for that determination, with specific findings. Finally, pursuant to the GENIUS Act, proposed paragraph (h)(4) would describe the notice provided by the FDIC if there is no hearing. The FDIC would provide written notice to the applicant who does not make a timely request for a hearing that the denial of the application is the final determination. Such notice would be

provided not later than 10 days after the date by which the applicant could have requested the hearing under proposed paragraph (h)(1). Conforming edits are also proposed in § 303.11(f) to cross reference the process under proposed § 303.252, which would exclude appeals of denials under this section from existing processes and procedures under existing 12 CFR parts 303 and 308 of the FDIC Rules and Regulations.

C. Regarding Safe Harbor for Pending Applications

Consistent with section 5(f) of the GENIUS Act, an applicant could request a waiver of certain requirements of the GENIUS Act regarding a pending application. An applicant would be able to submit an application to the FDIC pursuant to proposed § 330.252 upon a final rule becoming effective, which is anticipated to be prior to the effective date of the GENIUS Act. If an applicant files an application ahead of the effective date of the Act, pursuant to section 5(f) of the Act, the applicant may request a waiver from the FDIC from all or some of the requirements under the Act, with any granted waiver not to exceed 12 months from the effective date of the Act. The FDIC would invite an applicant to submit, together with an application, a written request for a waiver in writing that explains the basis for the request, the extent of the requirements to be waived, and the time period sought. The FDIC has determined not to include a provision regarding procedures for requesting a waiver under the GENIUS Act's safe harbor provision due to the temporary nature of the provision and the case-by-case analysis required for any waiver.

IV. Expected Effects

As previously discussed, the FDIC is proposing to amend its regulations to implement application requirements and procedures for an FDIC-supervised institution to request approval to issue payment stablecoins through a subsidiary in accordance with provisions of the GENIUS Act. The proposed rule would establish application requirements and procedures to address the factors for consideration as outlined in 12 U.S.C. 5904(c).

To estimate the expected effects of the proposed rule, this analysis considered all relevant regulations applicable to FDIC-supervised institutions, as well as information on the financial condition of FDIC-supervised institutions as of the quarter ending September 30, 2025, as the baseline to which the effects of the proposed rule are estimated.

As previously discussed, the proposed rule would apply to all FDIC-supervised institutions that seek to issue payment stablecoins through a subsidiary as well as engage in certain other payment stablecoin activities permitted by the GENIUS Act.⁴⁰ As of the quarter ending September 30, 2025, there were 2,772 insured State nonmember banks and State savings associations.⁴¹ The FDIC recognizes the significant uncertainty regarding estimates of the number of FDIC-supervised institutions that would seek to issue payment stablecoins or engage in other permitted payment stablecoin activities through a subsidiary in future periods and, thereby, be directly affected by the proposed rule. As this is a developing market, there is uncertainty as to the number of FDIC-supervised institutions that might apply to issue payment stablecoins, either independently or through consortia and other partnerships. Without predicting the actual participation rate, for the purposes of this analysis, the FDIC assumed that 10 FDIC-supervised institutions would file an application each year, on average.

The FDIC estimates that in applying, FDIC-supervised institutions seeking approval to issue payment stablecoins and engage in certain other payment stablecoin activities through a subsidiary would expend 80 labor hours to comply with the proposed application requirements. As stated above, the intent of the proposed rule is to minimize the regulatory burden for applicants by requesting only information necessary to evaluate the factors to be considered under section 5(c) of the GENIUS Act and to determine the safety and soundness of the proposed activities of the applicant, inclusive of the activities of its subsidiary. To the extent possible, the FDIC has tailored and streamlined the application process and would use information already available to it as the primary Federal regulator of the applicant rather than requiring duplicative information to be submitted as part of an application. At an estimated total compensation rate of \$152.40 per hour,⁴² the proposed rule

would result in estimated application compliance costs of \$12,192 per institution or \$121,920 in aggregate each year, on average.⁴³ The FDIC believes that the application requirements as proposed effectively balance the collection of information necessary to address the factors for consideration established by the GENIUS Act while containing burden on the applicant.

V. Alternatives Considered

The FDIC is proposing to amend its regulations to implement certain provisions of the GENIUS Act. Because the amendments are statutorily mandated, the FDIC did not consider alternatives to the proposed rule.

VI. Regulatory Analysis

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency, in connection with a proposed rule, to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of the proposed rule on small entities.⁴⁴ However, an initial regulatory flexibility analysis is not required if the agency certifies that the proposed rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) has defined "small entities" to include banking organizations with total assets of less than or equal to \$850 million.⁴⁵ Generally, the FDIC considers a significant economic impact to be a quantified effect in excess of 5 percent of total annual salaries and benefits or 2.5 percent of total noninterest expenses. The FDIC believes that effects in excess of one or more of these thresholds typically represent significant economic impacts for FDIC-insured institutions.

To estimate the expected effects of the proposed rule, this analysis considered all relevant regulations applicable to FDIC-supervised institutions, as well as information on the financial condition of such FDIC-supervised institutions as of the quarter ending June 30, 2025.

⁴³ \$152.40 per hour * 80 hours = \$12,192; \$152.40 per hour * 80 hours * 10 = \$121,920.

⁴⁴ 5 U.S.C. 601 *et seq.*

⁴⁵ The SBA defines a small banking organization as having \$850 million or less in assets and determines an organization's assets by averaging the assets reported on its four quarterly financial statements for the preceding year. See 13 CFR 121.201 (as amended by 87 FR 69118, effective December 19, 2022). Following these regulations, the FDIC uses an FDIC-supervised institution's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the FDIC-supervised institution is "small" for the purposes of the RFA.

⁴⁰ See 12 U.S.C. 4903(a)(7).

⁴¹ FDIC Call Report Data, September 30, 2025.

⁴² Bureau of Labor Statistics: National Industry-Specific Occupational Employment and Wage Estimates: Industry: Credit Intermediation and Related Activities (5221 and 5223 only) (May 2024), Employer Cost of Employee Compensation (March 2024), and Employment Cost Index (March 2024 and June 2025). The FDIC estimates the following labor allocation for entities complying with these requirements: Executives and Managers (11-0000): 60 percent; Lawyers (23-0000): 30 percent; and Clerical workers (43-0000): 10 percent.

As previously discussed, the proposed rule would apply to all FDIC-supervised institutions that seek to issue payment stablecoins through a subsidiary as well as engage in certain other payment stablecoin activities permitted by the GENIUS Act.⁴⁶ As of the quarter ending June 30, 2025, there were 2,802 insured State nonmember banks and State savings associations. Of those institutions, 2,085 are considered “small” for the purposes of RFA.⁴⁷ The FDIC recognizes the considerable uncertainty regarding estimates of the number of FDIC-supervised institutions that would seek to issue payment stablecoins or engage in other permitted payment stablecoin activities through a subsidiary in future periods and, thereby, be directly affected by the proposed rule. As this is a developing market, there is uncertainty as to the number of FDIC-supervised institutions that might apply to issue payment stablecoins, either independently or through consortia and other partnerships. Without predicting the actual participation rate, for the purposes of this analysis the FDIC assumed that all 10 estimated annual applicants seeking to issue payment stablecoins through a subsidiary would be small, FDIC-supervised institutions.

As previously discussed, the FDIC estimates that FDIC-supervised institutions seeking approval to issue

payment stablecoins through a subsidiary would expend 80 labor hours to comply with the proposed application requirements. At an estimated total compensation rate of \$152.40 per hour,⁴⁸ the proposed rule would result in application compliance costs of \$12,192 per small, FDIC-supervised institution or \$121,920 in aggregate, on average.⁴⁹ Estimated application costs of \$12,192 per small, FDIC-supervised institution exceeds 5 percent of total annual salaries and benefits or 2.5 percent of total noninterest expenses for no more than three small, FDIC-supervised institutions.⁵⁰

In light of the foregoing, the FDIC certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, an initial regulatory flexibility analysis is not required.

The FDIC invites comments on all aspects of the supporting information provided in this RFA section. The FDIC is particularly interested in comments on any significant effects on small entities that the agency has not identified.

B. Paperwork Reduction Act

Certain provisions of the proposed rule contain “collections of information” within the meaning of the Paperwork Reduction Act (PRA) of

1995.⁵¹ In accordance with the requirements of the PRA, the FDIC 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 information collections contained in the proposed rule have been submitted to OMB for review and approval by the FDIC under section 3507(d) of the PRA⁵² and 5 CFR 1320.11 of OMB’s implementing regulations.⁵³ The FDIC is proposing a new information collection.

Title of information Collection:

Payment stablecoin issuer application for FDIC-supervised institutions.

OMB Number: 3064–NEW.

Frequency of Response: Periodic—see table below.

Affected Public: Businesses or other for-profit.

Respondents: Insured State nonmember banks and insured State savings associations that seek to issue payment stablecoins through a subsidiary.

Current Actions: The proposed rule would establish procedures to be followed by an insured State nonmember bank or State savings association that seeks to obtain FDIC approval to issue payment stablecoins through a subsidiary pursuant to the GENIUS Act.

FDIC SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–NEW]

Information Collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (hours)	Annual burden (hours)
1. Application to issue payment stablecoins 12 CFR 303.252 (Mandatory).	Reporting (One Time) ..	10	1	80	800
Total Annual Burden (Hours) .....	.....	.....	.....	.....	800

Source: FDIC.

Note: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB’s consolidated information system.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the FDIC’s functions, including whether the information has practical utility;

(b) The accuracy of the estimate of the burden of the information collection,

including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the information collection on respondents, including through the use

of automated collection techniques or other forms of information technology.

All comments will become a matter of public record. Comments on aspects of this document that may affect reporting, recordkeeping, or disclosure requirements and burden estimates should be sent to the address listed in

⁴⁶ See 12 U.S.C. 5903(a)(7).

⁴⁷ FDIC Call Report Data, June 30, 2025.

⁴⁸ Bureau of Labor Statistics: National Industry-Specific Occupational Employment and Wage Estimates: Industry: Credit Intermediation and Related Activities (5221 and 5223 only) (May 2024),

Employer Cost of Employee Compensation (March 2024), and Employment Cost Index (March 2024 and June 2025). The FDIC estimates the following labor allocation for entities complying with these requirements: Executives and Managers (11–0000): 60 percent; Lawyers (23–0000): 30 percent; and Clerical workers (43–0000): 10 percent.

⁴⁹ \$152.40 per hour * 80 hours = \$12,192; \$152.40 per hour * 80 hours * 10 = \$121,920.

⁵⁰ FDIC Call Report Data, June 30, 2025.

⁵¹ 44 U.S.C. 3501 *et seq.*

⁵² 44 U.S.C. 3507(d).

⁵³ 5 CFR 1320.

the **ADDRESSES** section of this document. Written comments and recommendations for this information collection also should be sent within 60 days of publication of this document to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 60-day Review—Open for Public Comments” or by using the search function.

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act⁵⁴ requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The FDIC invites your comments on how to make the proposed rule easier to understand. For example:

- Has the FDIC organized the material to suit your needs? If not, how could the proposed rule be more clearly stated?
- Are the requirements in the proposed rule clearly stated? If not, how could the proposed rule be more clearly stated?
- Does the proposed rule contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the proposed rule easier to understand? If so, what changes to the format would make the proposed rule easier to understand?
- What else could the FDIC do to make the proposed rule easier to understand?

D. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA),⁵⁵ in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions,⁵⁶ each Federal banking agency must consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on affected depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition,

section 302(b) of the RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on insured depository institutions generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form. The FDIC invites comments that further will inform its consideration of the RCDRIA.⁵⁷

F. Executive Order 12866 and 14192

Executive Order 12866, as amended, directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This proposed rule was drafted and reviewed in accordance with Executive Order 12866. Within OMB, the Office of Information and Regulatory Affairs (OIRA) has determined that this rulemaking is a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, the draft rule was submitted to OIRA for review. As noted in other sections of the **SUPPLEMENTARY INFORMATION** of this document, the FDIC has assessed the costs and benefits of this rulemaking and has made a reasoned determination that the benefits of this rulemaking justify its costs. This proposed rule, if finalized as proposed, is not expected to be a regulatory action under Executive Order 14192 because it imposes no more than de minimis costs.

VII. Request for Comment

The FDIC invites comments on all aspects of this proposed rulemaking. In particular, the FDIC seeks feedback on the scope of the proposed rule and its requirements, and responses to the following specific questions:

Question 1: Does the proposed rule adequately reflect the application process outlined by Congress in the GENIUS Act? How could the proposed rule be improved to better align with the GENIUS Act’s application requirements?

Question 2: The proposed rule would require applicants to submit a letter application. Should the FDIC consider requiring applicants to instead submit a structured form to be developed by the FDIC? What are the advantages and disadvantages of each approach?

Question 3: Are the proposed filing content requirements appropriate to garner sufficient information for the FDIC to evaluate the factors described in section 5(c) of the GENIUS Act? Is it

clear what information the FDIC would expect the contents of a filing to contain under the proposed rule? Are there additional types of information the FDIC should consider? Should the FDIC seek to remove any of the proposed types of information? If so, please explain how the addition or removal of such information would facilitate the FDIC’s consideration of the factors.

Question 4: Among the factors to be considered and listed in section 5(c), the FDIC may establish any other factors to be considered. The FDIC is not proposing to establish other factors beyond those listed in the GENIUS Act as indicated by the proposed rule. Should the FDIC consider other factors? If so, please describe the additional factors that the FDIC should consider and why they would be necessary to consider whether the activities of the applicant would potentially be unsafe or unsound.

Question 5: What types of information should applicants submit to the FDIC to substantiate the sufficiency of their capital or liquidity structures? What information can best demonstrate the appropriate composition, custody, and valuation of the reserve assets backing the payment stablecoin?

Question 6: What types of ownership or control structures of PPSIs may be proposed that the FDIC has not considered? Does the proposed rule capture the types of information the FDIC would need about such ownership or control structures to evaluate the factors? Why or why not?

Question 7: Does the proposed rule effectively capture the types of policies, procedures, and customer agreements of the applicant and/or PPSI necessary to evaluate the factors? What information could be eliminated or added in the proposed rule to allow the FDIC to evaluate the factors while minimizing application burden?

Question 8: The FDIC has determined not to include a provision in the proposed regulatory text regarding procedures for requesting a waiver under the GENIUS Act’s safe harbor provision due to the temporary nature of the provision and the case-by-case analysis required for any waiver. Should the FDIC include regulatory text on this provision? Why or why not? In what circumstances might an applicant request a waiver of provisions of the GENIUS Act, and what provisions would the applicant request to be waived?

Question 9: Does the proposed appeal process effectively protect an applicant’s due process, minimize regulatory burden, and meet the requirements of the GENIUS Act? Are

⁵⁴ Public Law 106–102, section 722, 113 Stat. 1338, 1471 (1999), 12 U.S.C. 4809.

⁵⁵ 12 U.S.C. 4802(a).

⁵⁶ For purposes of this analysis and consistent with RCDRIA, “insured depository institution” refers to the definition for that term used in section 3 of the FDI Act.

⁵⁷ 12 U.S.C. 4802(b).

there any other possible processes that could be used for appeals of denied applications?

Question 10: Are the estimate of the number of applications received under this section and the potential costs of such applications likely to be accurate? Why or why not?

Question 11: Would the proposed rule have any costs, benefits, or other effects that the FDIC has not identified?

List of Subjects in 12 CFR Part 303

Administrative practice and procedure, Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation proposes to amend 12 CFR part 303 as follows:

PART 303—FILING PROCEDURES

■ 1. Revise the authority citation for part 303 to read as follows:

Authority: 12 U.S.C. 378, 1464, 1813, 1815, 1817, 1818, 1819(a) (Seventh and Tenth), 1820, 1823, 1828, 1829, 1831a, 1831e, 1831o, 1831p–1, 1831w, 1835a, 1843(l), 3104, 3105, 3108, 3207, 5414, 5415, 5904, 5913, and 15 U.S.C. 1601–1607.

■ 2. Amend § 303.11 by revising paragraph (f)(1) to read as follows:

§ 303.11 Decisions.

* * * * *

(f) * * *

(1) *General.* Appeal procedures for a denial of a change in bank control (subpart E), change in senior executive officer or board of directors (subpart F), or denial of an application pursuant to section 19 of the FDI Act (subpart L) are contained in 12 CFR part 308, subparts D, L, and M, respectively. Appeal procedures for a denial of an application pursuant to section 5 of the Guiding and Establishing National Innovation for U.S. Stablecoins (GENIUS) Act are contained in § 303.252. For all other filings covered by this chapter for which appeal procedures are not provided by regulation or other written guidance, the procedures specified in paragraphs (f)(2) and (3) of this section shall apply. A decision to deny a request for a hearing is a final agency determination and is not appealable.

* * * * *

■ 3. Add § 303.252 to read as follows:

§ 303.252 Permitted payment stablecoin issuers.

(a) *Scope.* This section sets forth the application requirements and

procedures for an FDIC-insured State nonmember bank or an FDIC-insured State savings association to submit an application to the FDIC to issue payment stablecoins through a subsidiary that shall become a permitted payment stablecoin issuer under the Guiding and Establishing National Innovation for U.S. Stablecoins Act (12 U.S.C. 5901 *et seq.*) (GENIUS Act).

(b) *Definitions.* For purposes of this section:

(1) *Applicant* means an insured State nonmember bank or an insured State savings association that seeks to issue payment stablecoins through a subsidiary.

(2) *Digital asset service provider* has the meaning given that term in section 2(7) of the GENIUS Act (12 U.S.C. 5901(7)).

(3) *Payment stablecoin* has the meaning given that term in section 2(22) of the GENIUS Act (12 U.S.C. 5901(22)).

(4) *Permitted payment stablecoin issuer* has the meaning given that term in section 2(23) of the GENIUS Act (12 U.S.C. 5901(23)).

(5) *State nonmember bank* has the meaning given that term in section 3 of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1813).

(6) *State savings association* has the meaning given such term in 3 of the FDI Act.

(7) *Subsidiary* has the meaning given that term in section 3 of the FDI Act.

(8) *Substantially complete* means, consistent with section 5(d)(1)(B)(i) of the GENIUS Act (12 U.S.C. 5904(d)(1)(B)(i)), an application that contains sufficient information for the FDIC to render a decision on whether the applicant satisfies the factors described in section 5(c) of the GENIUS Act (12 U.S.C. 5904(c)).

(c) *Filing location.* Applications under this section shall be filed with the appropriate FDIC region.

(d) *Contents of filing.* The application shall contain the following information, to the extent applicable, necessary to evaluate the factors as set forth in section 5(c) of the GENIUS Act:

(1) A description of the proposed payment stablecoin and proposed activities of the subsidiary of the applicant, including related activities of the applicant, how the subsidiary plans to maintain the proposed payment stablecoin's stable value or the reasonable expectation thereof, and any proposed activities incidental to payment stablecoin activities or digital asset service provider activities;

(2) Relevant financial information for the subsidiary, including planned capital and liquidity structure; reserve assets and composition and associated

asset management plan; and financial projections for the first three years of operations;

(3) A description of the subsidiary's ownership and control structure; organizing documents; and a list of the subsidiary's proposed directors, officers, and principal shareholders (if different from the applicant), including a statement as to whether any of the proposed directors and officers have been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing of terrorism, or financial fraud;

(4) Relevant policies and procedures and customer agreements, including for custody and safekeeping; segregating customer and reserve assets; recordkeeping; reconciliation and transaction processing; redemption pursuant to section 4(a)(1)(B) of the GENIUS Act (12 U.S.C. 5903(a)(1)(B)); and Bank Secrecy Act/anti-money laundering/countering the financing of terrorism and economic sanctions requirements pursuant to section 4(a)(5) of the GENIUS Act (12 U.S.C. 5903(a)(5)); and

(5) An engagement letter with a registered public accounting firm.

(e) *Additional information for applications.* The FDIC may request additional information as it deems necessary solely for its consideration of the factors listed in section 5(c) of the GENIUS Act.

(f) *Processing.*—(1) *Substantially complete.* The FDIC shall notify the applicant as to whether the application is considered substantially complete not later than 30 days after receiving an application under this section. If the application is not considered substantially complete, the FDIC shall specify the additional information the applicant shall provide in order for the application to be considered substantially complete. If the FDIC fails to notify the applicant within 30 days after receiving an application, the application shall be deemed substantially complete as of the date it was received by the FDIC.

(2) *Material change in circumstances.* Following notification by the FDIC that the application is considered substantially complete, the applicant shall notify the FDIC if there is a material change in circumstances, such as a change in financial or other condition, that would require the FDIC to treat the pending application as a new application.

(g) *Decisions.* The FDIC shall approve or deny an application not later than 120 days after receiving a substantially complete application under this section.

(1) *Deemed approval.* If the FDIC does not render a decision on a substantially complete application within 120 days of receiving a substantially complete application, the application shall be deemed approved.

(2) *Approval with conditions.* The FDIC may impose conditions upon approving an application, including the standard conditions defined under § 303.2(bb). The FDIC shall not, by means of conditions, impose requirements in addition to the requirements of section 4 of the GENIUS Act (12 U.S.C. 5903).

(3) *Denial.* The FDIC shall deny a substantially complete application if the activities of the applicant would be unsafe or unsound based on the factors described in section 5(c) of the GENIUS Act. The FDIC shall provide the applicant with written notice of the basis for denial not later than 30 days after the date of such denial, explaining the denial with specificity. This explanation shall include all findings made by the FDIC with respect to all identified material shortcomings in the application, including recommendations to address such shortcomings. Denial of an application under this section shall not prohibit the applicant from filing a subsequent application.

(h) *Hearing and appeal procedures; final determination—(1) Appeal and request for hearing.* Not later than 30 days after the date of receipt of a denial of an application under this section, the applicant may request, in writing, a written or oral hearing pursuant to the FDIC's process for appealing material supervisory determinations.

(2) *Timing.* Upon receipt of a timely request for a written or oral hearing, the FDIC shall issue a notice of the time and place for the applicant to submit written materials or provide oral testimony and oral argument. The time for the hearing shall be within 30 days of receipt of the request for hearing.

(3) *Final determination after appeal.* The FDIC shall notify the applicant of its final determination not later than 60 days after the date of a hearing under paragraph (h)(2) of this section, which shall contain a statement of the basis for that determination, with specific findings.

(4) *Notice if no hearing.* The FDIC shall provide a written notice to an applicant who does not make a timely request for a hearing under paragraph (h)(1) of this section that the denial of the application is a final determination. The FDIC shall provide the written notice not later than 10 days after the date by which the applicant could have

requested a hearing under paragraph (h)(1) of this section.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on December 16, 2025.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2025–23510 Filed 12–18–25; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–1184; Airspace Docket No. 25–ASO–14]

RIN 2120–AA66

Amendment of Class E Airspace; Franklin, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Franklin, NC, by updating the coordinates and removing the point in space reference for Angel Medical Center in Franklin, NC. It would also update the legal description for Macon County Airport, Franklin, NC, to reflect the most accurate and up-to-date coordinates. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Comments must be received on or before February 2, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–1184 and Airspace Docket No. 25–ASO–14 using any of the following methods:

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

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

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

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

Docket: Background documents or comments received may be read at

www.regulations.gov at any time.

Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

FAA Order JO 7400.11K Airspace Designations and Reporting Points and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington DC 20597; Telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT:

Rachel Cruz, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5571.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

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

The FAA will file in the docket all comments it receives, as well as a report

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

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

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to update Class E airspace by removing the point in space

reference and updating the coordinates for Angel Medical Center in Franklin, NC. It would also update the legal description for Macon County Airport to reflect the most accurate and up-to-date coordinates. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, “FAA National Environmental Policy Act Implementing Procedures,” prior to any final regulatory action by the FAA.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting Points, dated August 4, 2025, and

effective September 15, 2025, is amended as follows:

* * * * *

Paragraph 6005 Class E Airspace.

* * * * *

ASO NC E5 Franklin, NC [Amended]

Macon County Airport, NC

(Lat. 35°13'20" N, long 83°25'12" W)

Angel Medical Center, NC

(Lat. 35°11'39" N, long. 83°21'36" W)

That airspace extending upward from 700 feet or more above the surface of the Earth within a 6.4-mile radius of Macon County Airport and that airspace within a 6-mile radius of Angel Medical Center.

* * * * *

Issued in College Park, Georgia, on December 16, 2025.

Patrick Young,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2025–23447 Filed 12–18–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–5340; Airspace Docket No. 25–AEA–8]

RIN 2120–AA66

Amendment of Class D, Class E2, Class E4 and Class E5 Airspace Over Patuxent River, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D, Class E2, Class E4, and Class E5 airspace at Patuxent River Naval Air Station (NAS) (Trapnell Field), Patuxent River, MD. The currently designated Class D, Class E2, and Class E4 airspace do not properly contain instrument flight rule (IFR) operations, which require controlled airspace. The geographic coordinates for Patuxent River NAS (Trapnell Field) would be updated in the airspace legal descriptions. The reference to the decommissioned Patuxent VORTAC would also be updated in the Class E2, Class E4, and Class E5 airspace legal descriptions. Last, the geographic coordinates for the Patuxent River NDB would also be updated in the Class E2 and Class E4 airspace legal descriptions. **DATES:** Comments must be received on or before February 2, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–5340 and Airspace Docket No. 25–AEA–8 using any of the following methods:

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

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

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

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

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

FAA Order JO 7400.11K Airspace Designations and Reporting Points and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington DC 20597; Telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Marc Ellerbee, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5589.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the

scope of that authority as it would amend Class D, Class E2, Class E4, and Class E5 airspace in Patuxent River, MD.

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation

Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

Class D, Class E2, Class E4, and Class E5 airspace designations are published in paragraphs 5000, 6002, 6004, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

This action proposes to amend 14 CFR part 71 by modifying the Class D, Class E2, Class E4, and Class E5 airspace for Patuxent River NAS (Trapnell Field), Patuxent River, MD. Controlled airspace is necessary for the safety and management of IFR operations in the area for existing instrument approach procedures.

This action proposes to amend the Class D airspace over Patuxent River, MD, by updating the Patuxent River NAS (Trapnell Field) geographic coordinates and increasing the lateral boundary of the Class D airspace to within a 4.7-mile radius of Patuxent River NAS (Trapnell Field) and within a .5-mile radius of Chesapeake Ranch Airpark excluding that airspace within Restricted Areas R–4005 and R–4007 when active. The superseded reference to the “Airport Facility Directory” would also be replaced with “Chart Supplement” in the airspace legal description.

This action also proposes to amend the Class E2 airspace over Patuxent River, MD, by updating the geographic coordinates of Patuxent River NAS (Trapnell Field) and modifying the dimensions from the current configuration to that airspace extending upward from the surface within a 4.7-mile radius of Patuxent River NAS (Trapnell Field) and within 1.8 miles each side of the 047° bearing from Patuxent River NAS extending from the 4.7-mile radius of Patuxent River NAS to 6.5 miles northeast of the airport; and within 1.9 miles each side of the 233° bearing from Patuxent River NAS extending from the 4.7-mile radius to 6.2 miles southwest of the airport; and within 1.8 miles each side of the 137° bearing from Patuxent River NAS

extending from the 4.7-mile radius to 10.8 miles southeast of the airport; and within a .5-mile radius of Chesapeake Ranch Airpark, excluding that airspace within Restricted Areas R-4005 and R-4007 when active. This reconfiguration would properly contain the currently published standard instrument approach procedures. The reference to the decommissioned Patuxent VORTAC in the Class E2 legal description would also be removed, and the geographic coordinates of the Patuxent River NDB would be updated.

This action also proposes to amend the Class E4 airspace over Patuxent River, MD, by updating the geographic coordinates of Patuxent River NAS (Trapnell Field) and modifying the dimensions from the current configuration to that airspace extending upward from the surface within 1.8 miles each side of the 047° bearing from Patuxent River NAS extending from the 4.7-mile radius of Patuxent River NAS to 6.5 miles northeast of the airport; and within 1.9 miles each side of the 233° bearing from Patuxent River NAS extending from the 4.7-mile radius to 6.2 miles southwest of the airport; and within 1.8 miles each side of the 137° bearing from Patuxent River NAS extending from the 4.7-mile radius to 10.8 miles southeast of the airport, excluding that airspace within Restricted Areas R-4005 and R-4007 when active. This reconfiguration will properly contain the currently published standard instrument approach procedures. Additionally, the reference to the decommissioned Patuxent VORTAC in the Class E4 legal description would be removed; the superseded reference to the “Airport Facility Directory” would be replaced with “Chart Supplement”; and the geographic coordinates of the Patuxent River NDB would be updated.

Lastly, this action proposes to amend the Class E5 airspace over Patuxent River, MD, by replacing the reference to the decommissioned Patuxent VORTAC with point in space coordinates using the same geographic coordinates.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not

warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, “FAA National Environmental Policy Act Implementing Procedures” prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AEA MD D Patuxent River, MD [Amended]

Patuxent River NAS (Trapnell Field), MD
(Lat. 38°17′11″ N, long. 76°24′36″ W)
Chesapeake Ranch Airpark, MD
(Lat. 38°21′40″ N, long. 76°24′19″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.7-mile radius of Patuxent River NAS (Trapnell Field) and within a .5-mile radius of Chesapeake Ranch Airpark excluding that airspace within Restricted Areas R-4005 and R-4007 when active. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

AEA MD E2 Patuxent River, MD [Amended]

Patuxent River NAS (Trapnell Field), MD
(Lat. 38°17′11″ N, long. 76°24′36″ W)
Patuxent River NDB
(Lat. 38°17′09″ N, long. 76°24′12″ W)
Chesapeake Ranch Airpark, MD
(Lat. 38°21′40″ N, long. 76°24′19″ W)

That airspace extending upward from the surface within a 4.7-mile radius of Patuxent River NAS (Trapnell Field) and within 1.8 miles each side of the 047° bearing from Patuxent River NAS extending from the 4.7-mile radius of Patuxent River NAS to 6.5 miles northeast of the airport; and within 1.9 miles each side of the 233° bearing from Patuxent River NAS extending from the 4.7-mile radius to 6.2 miles southwest of the airport; and within 1.8 miles each side of the 137° bearing from Patuxent River NAS extending from the 4.7-mile radius to 10.8 miles southeast of the airport; and within a .5-mile radius of Chesapeake Ranch Airpark, excluding that airspace within Restricted Areas R-4005 and R-4007 when active. This Class E airspace area is effective during those times when the Class D airspace is not in effect.

* * * * *

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

AEA MD E4 Patuxent River, MD [Amended]

Patuxent River NAS (Trapnell Field), MD
(Lat. 38°17′11″ N, long. 76°24′36″ W)
Patuxent River NDB
(Lat. 38°17′09″ N, long. 76°24′12″ W)

That airspace extending upward from the surface within 1.8 miles each side of the 047° bearing from Patuxent River NAS extending from the 4.7-mile radius of Patuxent River NAS to 6.5 miles northeast of the airport; and within 1.9 miles each side of the 233° bearing from Patuxent River NAS extending from the 4.7-mile radius to 6.2 miles southwest of the airport; and within 1.8 miles each side of the 137° bearing from Patuxent River NAS extending from the 4.7-mile radius to 10.8 miles southeast of the airport, excluding that airspace within Restricted Areas R-4005 and R-4007 when active. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

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

* * * * *

AEA MD E5 Patuxent River, MD [Amended]

Point in Space Coordinates
(Lat. 38°17′16″ N, long. 76°24′01″ W)

That airspace extending upward from 700 feet above the surface within a 12.2-mile

radius of the point in space lat. 38°17'16" N, long. 76°24'01" W, excluding the portion NW of a line extending from lat. 38°15'02" N, long. 76°39'15" W; to lat. 38°26'26" N, long. 76°13'46" W.

* * * * *

Issued in College Park, Georgia, on December 16, 2025.

Patrick Young,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2025–23459 Filed 12–18–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 342

[Docket No. RM26–6–000]

Five-Year Review of the Oil Pipeline Index; Correction

AGENCY: Federal Energy Regulatory Commission

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: The Federal Energy Regulatory Commission published a document in the **Federal Register** of November 24, 2025, concerning a notice of proposed rulemaking seeking comment on the Commission's proposed index level used to determine annual changes to oil pipeline rate ceilings. The document contained an error.

DATES: This correction is effective December 19, 2025.

FOR FURTHER INFORMATION CONTACT:

Monil Patel (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8296. Monil.Patel@ferc.gov
Evan Steiner (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8792. Evan.Steiner@ferc.gov

SUPPLEMENTARY INFORMATION:

Correction

In FR Doc. 2025–20762 (193 FERC ¶ 61,045) beginning on page 52902 in the issue of Monday, November 24, 2025, make the following corrections:

On page 52904, in the second column, footnote 22, “The Regulatory Impact Analysis (RIA) supporting this rulemaking can be found as a

supporting document at www.regulations.gov.” should read “The Regulatory Impact Analysis (RIA) supporting this rulemaking can be found in this docket on the Commission’s eLibrary system.”

On page 52906, in the first column, lines 60–63, and the second column, line 1, “The regulatory impact analysis associated with this rulemaking can be found as a supporting document at www.regulations.gov.” should read “The regulatory impact analysis associated with this rulemaking can be found in this docket on the Commission’s eLibrary system.”

Issued: December 17, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–23488 Filed 12–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100, 110, and 165

[Docket Number USCG–2025–0903]

RIN 1625–AA08, AA01, AA87

Special Local Regulation, Temporary Anchorage Ground Suspension, and Security Zones: Sail 4th 250, International Naval Review 250; Port of New York and New Jersey

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish temporary special local regulations and multiple security zones, and to temporarily suspend certain anchorage grounds in New York Harbor, Sandy Hook Bay, and the Hudson River before, during, and after Sail 4th 250 events, the U.S. Navy’s International Naval Review 250 and International Aerial Review, Independence Day fireworks displays, and U.S. Navy Fleet Week events to be held between July 1, 2026 and July 9, 2026. These regulations are necessary to promote the safe navigation of vessels and the safety of life and property during these events. We invite your comments.

DATES: Comments and related material must be received by the Coast Guard on or before February 17, 2026. The dates for the stays and temporary sections are listed in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: To submit comments and view available documents, go to <https://www.regulations.gov> and search for USCG–2025–0903.

www.regulations.gov and search for USCG–2025–0903.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email: Mr. Craig Lapiejko, Waterways Management, Coast Guard Northeast District, telephone 571–607–6314, email Craig.D.Lapiejko@uscg.mil, or CDR Timothy Bonner, Sector New York Waterways Management Division, U.S. Coast Guard; telephone 571–610–1808, email Timothy.A.Bonner@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
CGD–NE Coast Guard Northeast District Commander
COTP Captain of the Port, New York
DHS Department of Homeland Security
FR Federal Register
IAR International Aerial Review INR 250 International Naval Review 250
NJ New Jersey
NY New York NPRM Notice of proposed rulemaking
§ Section
U.S. United States
U.S.C. United States Code
VTS Vessel Traffic Service, New York

II. Background and Authority

On June 1, 2025, Sail250®¹ and the United States Navy formally notified the Coast Guard Captain of the Port, New York (COTP) that, from July 1, 2026, through July 9, 2026, they will be conducting a series of major marine events in New York Harbor. Tall Ship Parade of Sail,² an International Naval Review 250 (INR 250),³ an International Aerial Review (IAR),⁴ and U.S. Navy Fleet Week events in New York Harbor in celebration of America’s 250th birthday. The Sail250® Tall Ships tour, which also includes the ports of New Orleans, LA; Norfolk, VA; Baltimore, MD; and Boston, MA, has been designated as a Marine Event of National Significance.⁵

The purpose of this rulemaking is to ensure the safety of vessels and spectators in the vicinity of New York Harbor, before, during, and after the scheduled events are completed. The Coast Guard anticipates thousands of spectator crafts will attend the events. The proposed regulations would create temporary spectator areas, temporary participant staging areas, vessel movement control measures, and

¹ <https://www.sail250.org/>.

² <https://sail4th.org/>.

³ <https://www.navy.mil/Navy-250/Events/>.

⁴ <https://www.navy.mil/Navy-250/Events/as/part-of-the-America-250th-celebration>, headlined by the U.S. Navy Blue Angels.

⁵ <https://www.ecfr.gov/current/title-46/section-26.03-8>.

security zones around all U.S. Naval Vessels, and foreign naval vessels while anchored, transiting, and moored in various berths around the Port of New York and New Jersey. Additionally, these proposed regulations will temporarily suspend certain anchorage grounds. The proposed regulations would be enforced at various times between July 1, 2026, through July 9, 2026. Due to a high concentration of expected spectator vessels and the series of events, the Coast Guard Northeast District Commander (CGD-NE) and the COTP, have determined these regulations are necessary for the safety of Sail 4th 250 participants, INR 250 participants, spectator vessels, non-participant and non-spectator vessels operating in and around Port of New York and New Jersey, and life and property.

While this rulemaking does not propose establishing any safety zones, it is important to note that after the Sail 4th 250 Tall Ship Parade of Sail, INR 250, IAR, and U.S. Navy Fleet Week events, we anticipate that numerous safety zones would be promulgated for fireworks displays occurring in the harbor through separate rulemaking projects or that safety zones would be enforced under our authorities in 33 CFR 165.160—Table 1.⁶

The Coast Guard is proposing this rulemaking under authorities in 33 U.S.C. 2071; 46 U.S.C. 70006, 70034, 70041, 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.

III. Discussion of the Rule

Sail250® and INR 250 are international events that bring together tall ships and military vessels to celebrate the 250th anniversary of the United States. Sail 4th 250 comprises the Sail250® events in the Port of New York and New Jersey. Additional information about Sail 4th 250 can be found at <https://sail4th.org/>. INR 250, hosted by the U.S. Navy in the Port of New York and New Jersey concurrent with Sail 4th 250, will include a series of events to commemorate this historic occasion. Additional information about INR 250 can be found at <https://www.navy.mil/NavY-250/Events/>. The regulations would be subject to enforcement upon the arrival of U.S. Naval Vessels, and foreign naval vessels at the Port of New York and New Jersey. These vessels would anchor in the Upper Bay and Hudson River on July 1, 2026, prior to the Sail 4th 250 Tall Ship

Parade of Sail, INR 250, IAR, and Independence Day fireworks displays within the regulated areas established within Port of New York and New Jersey on July 4, 2026. Participating tall ships, U.S. Naval Vessels, and foreign naval vessels will be mooring and anchoring in various areas throughout the Port of New York and New Jersey until their departure on July 9, 2026.

The Sail 4th 250 Tall Ship Parade of Sail, INR 250, IAR, and the Independence Day fireworks displays are expected to be extraordinary marine events, celebrating maritime heritage and honoring the 250th anniversary of the founding of the United States. These events will offer unique opportunities to witness impressive parades and celebrations on the water. The Coast Guard typically establishes special local regulations and spectator areas to ensure safer viewing during marine events, and as discussed in this document, this event is no exception. The Coast Guard has collaborated with port partners, area stakeholders, Sail250® and the U.S. Navy, and numerous federal, state, and local agencies, as well as law enforcement organizations, to develop and propose regulations that will support a safe and secure event. However, it is worth mentioning, due to the scale of the event, its heightened security posture, the anticipated crowd size, and limited spectator areas, viewing the Sail 4th 250 Tall Ship Parade of Sail, the INR 250, the IAR, and Independence Day fireworks displays from shore may provide a safer and more convenient alternative, particularly for smaller vessels or less experienced mariners.

Mariners transiting the regulated areas to and from spectator areas should use extra caution, ensure proper watch and assess all risk factors. Large marine events present new challenges to safe navigation, but proper voyage planning and access to relevant information should ensure that safety is not compromised. In general, mariners transiting within the Port of New York and New Jersey during this event should make a careful assessment of all factors associated with their voyage.

These factors at a minimum should include:

(1) The operator's qualifications—which should include their level of experience, physical fitness, and alertness, ensuring they are well-rested and capable of safely operating the vessel.

(2) The vessel's characteristics—which should include the following: appropriate size to safely accommodate passengers and equipment, sufficient maneuverability to navigate the

crowded waterway, and sea-keeping ability to handle expected water and weather conditions. The vessel must be capable of remaining in a designated spectator area for extended periods. The vessel should be equipped with required essential safety gear, including U.S. Coast Guard-approved life jackets, functioning navigation lights, fire extinguishers, and reliable communication devices. Additionally, the vessel should provide adequate protection from environmental elements, such as sun, wind, and rain. The propulsion, steering, fuel, and navigational equipment must be in excellent operational condition to ensure reliability and safety throughout the event. Furthermore, the vessel should have the ability to retain or manage its sewage in compliance with environmental regulations.

(3) Weather conditions—both current and forecasted—should include an assessment of sea state, visibility, temperature, sun exposure, precipitation, and wind speed and direction.

(4) Voyage planning should incorporate up-to-date information on the event schedule, including activities such as the Sail 4th 250 Tall Ship Parade of Sail, INR 250, IAR, and Independence Day fireworks displays, as well as the enforcement of regulations, such as designated spectator areas and security zones. Careful consideration should be given to whether the transit will occur during daytime or nighttime. Additional factors to account for include crowded waterways, wake and wave action, limited maneuvering space, anchoring challenges due to strong currents, water depth variations during tidal cycles, and prolonged exposure to environmental conditions including high temperatures and sun or cooler temperatures, rain, and wind.

At the time of this notice, Sail 4th 250 and the United States Navy events and a general overview of proposed regulations include:

1. June 17, 2026–June 29, 2026: The United States Navy will commence installation of moorings for U.S. naval vessels that will be occupying Federal Anchorage FA–21B.

2. July 1, 2026—Proposed Regulated Area 'B' will become effective as the United States Navy will commence 4-point mooring of vessels in FA–21B in the Upper Bay. A naval vessel protection zone⁷ will be enforced around all U.S. Naval Vessels and a 100-yard security zone is proposed around

⁶ <https://www.ecfr.gov/current/title-33/section-165.160>.

⁷ <https://www.ecfr.gov/current/title-33/part-165/subpart-G>.

all foreign naval vessels. Upon anchoring, a security zone would be established around the vessels. Certain anchorage grounds in the Port of New York and New Jersey will be temporarily suspended; however, vessels seeking to anchor in an anchorage ground while it is temporarily suspended and not being used as a spectator area or staging area must request authorization from the U.S. Coast Guard Vessel Traffic Service New York (VTS).

3. July 2, 2026—Class A tall ships will commence anchoring in the proposed Sandy Hook Bay staging area. Regulated Area 'A' is proposed to be effective as outlined below. The United States Navy will continue anchoring vessels in the Upper Bay and Hudson River each with a proposed security zone as discuss below.

4. July 3, 2026—U.S. and foreign naval vessels continue to transit to their designated anchorages in the Upper Bay and Hudson River with proposed security zones as later discussed below. Established spectator areas would be effective and opened for viewing the Sail 4th 250 Tall Ship Parade of Sail, INR 250, and IAR that are scheduled for July 4, 2026, as below.

5. July 4, 2026—The INR 250 will commence. It is anticipated to consist of a person under the protection of the United States Secret Service onboard a U.S. Naval Vessel transiting past all U.S. and foreign naval vessels anchored in the Hudson River and Upper Bay. The 'U.S. Naval Review Vessel' will have a moving security zone as discussed below and will sail from north of the George Washington Bridge, south to the Verrazano Bridge reviewing the Navy fleet. Upon completion of the INR 250, the lead tall ship will commence the Sail 4th 250 Tall Ship Parade of Sail starting from the Verrazano Bridge to the vicinity of the George Washington Bridge. Upon arrival at the end of the parade route, each tall ship will then proceed to their assigned berth at various locations throughout the Port of New York and New Jersey.

Simultaneously, the IAR will commence while the Sail 4th 250 Tall Ship Parade of Sail is occurring. At the conclusion of the Sail 4th 250 Tall Ship Parade of Sail, some naval vessels may weigh anchor and transit to berth at various locations in the Port of New York and New Jersey. In the evening, there will be multiple fireworks displays occurring throughout the Hudson River and East River. Safety zones and/or special local regulations for these events will be proposed and created under a separate rulemaking projects at a later date.

6. July 5, 2026—Additional naval vessels will shift from anchorage to their berths located at various areas in Port of New York and New Jersey. There would still be U.S. and foreign naval vessels anchored in the Upper Bay and Hudson River. These vessels would still have a security zone around them in their anchored locations.

7. July 6, 2026—INR 250 participant vessels will continue shifting to berths; however, some will remain at anchor at various locations throughout the Port of New York and New Jersey.

8. July 7, 2026, through July 9, 2026—Tall ships, U.S. naval vessels, and foreign naval vessels depart the Port of New York and New Jersey. Enforcement periods for security zones would collapse as vessels depart. However, naval vessel protection zones as codified in 33 CFR 165.2025 or temporary security zones for foreign naval vessels created by this proposed regulation would remain in effect for vessels as they remain within the Captain of the Port New York Zone.

Special Local Regulations—Background

In 1976, 1986, and 2000, similar events, including OPSAIL 1976, 1986 and 2000, drew several million spectators by land, as well as tens of thousands spectator vessels in Port of New York and New Jersey waters.

An organized water event of limited duration which is conducted according to a prearranged schedule is a "Regatta or marine parade," as defined at 33 CFR 100.05.⁸ An individual or organization planning to hold a regatta or marine parade which, by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the U.S. must submit an application to hold it in accordance with 33 CFR 100.15.⁹

On June 1, 2025, the sponsors of the Sail 4th 250 and INR 250 events submitted applications under 33 CFR 100.15 to conduct the Sail 4th 250 Tall Ship Parade of Sail and INR 250 on July 4, 2026, with participating vessels mooring and anchoring in various berths and areas through the Port of New York and New Jersey, until their departure on July 9, 2026.

Per 33 CFR 100.35, after approving plans for the holding of a regatta or marine parade within their district or zone, CGD—NE and the COTP are authorized to promulgate such special local regulations (SLRs) as they deem

necessary to ensure safety of life on the navigable waters immediately prior to, during, and immediately after the approved regatta or marine parade. Due to the high-profile nature of these events, the large number of tall ships, naval vessels, spectator vessels, and support craft will certainly cause vessel congestion in the Port of New York and New Jersey. The COTP has determined that there will be potential hazards associated with the large number of tall ships and naval vessels and significant amount of recreational boating traffic. Thus, the Coast Guard proposes to establish SLRs that would create vessel movement control measures, spectator areas, and staging areas in the Port of New York and New Jersey that will be in effect during the entirety of the Sail 4th 250 Tall Ship Parade of Sail and INR 250 events celebrating America's 250th anniversary. This section would be designated as section 100.T0199–0903.

Special Local Regulation—The Two Regulated Areas

The Coast Guard proposes establishing two regulated areas in the Port of New York and New Jersey that would be in effect from July 1, 2026, through July 9, 2026. These two proposed regulated areas are needed to protect the maritime public and participating vessels from possible hazards to navigation associated with an INR conducted on the Hudson River and New York Harbor Upper Bay, a Tall Ship Parade of Sail in the waters of Sandy Hook Bay, New York Harbor, Hudson River, and East River, and a large number of naval vessels, tall ships, and spectator craft anchored in close proximity throughout the duration of the events. These regulated areas include spectator areas, staging areas, and vessel operating restrictions.

From 6 a.m. on July 4, 2026, through the conclusion of the Sail 4th 250 Tall Ship Parade of Sail, no vessel except Sail 4th 250 or INR 250 participating vessels and their assisting tugs and ticketed spectator vessels may enter or navigate within Regulated Areas 'A' or 'B', unless specifically authorized by the COTP or their designated representative. Vessels operating on established schedules, such as ferries, may be granted authorization to transit the regulated areas.

Any vessels transiting through Port New York and New Jersey would be required to proceed in accordance with established vessel movement control measures directed by the COTP or designated representative.

Regulated Area 'A': All waters of New York Harbor Lower Bay and Sandy Hook Bay within the following

⁸ <https://www.ecfr.gov/current/title-33/section-100.05>.

⁹ <https://www.ecfr.gov/current/title-33/section-100.15>.

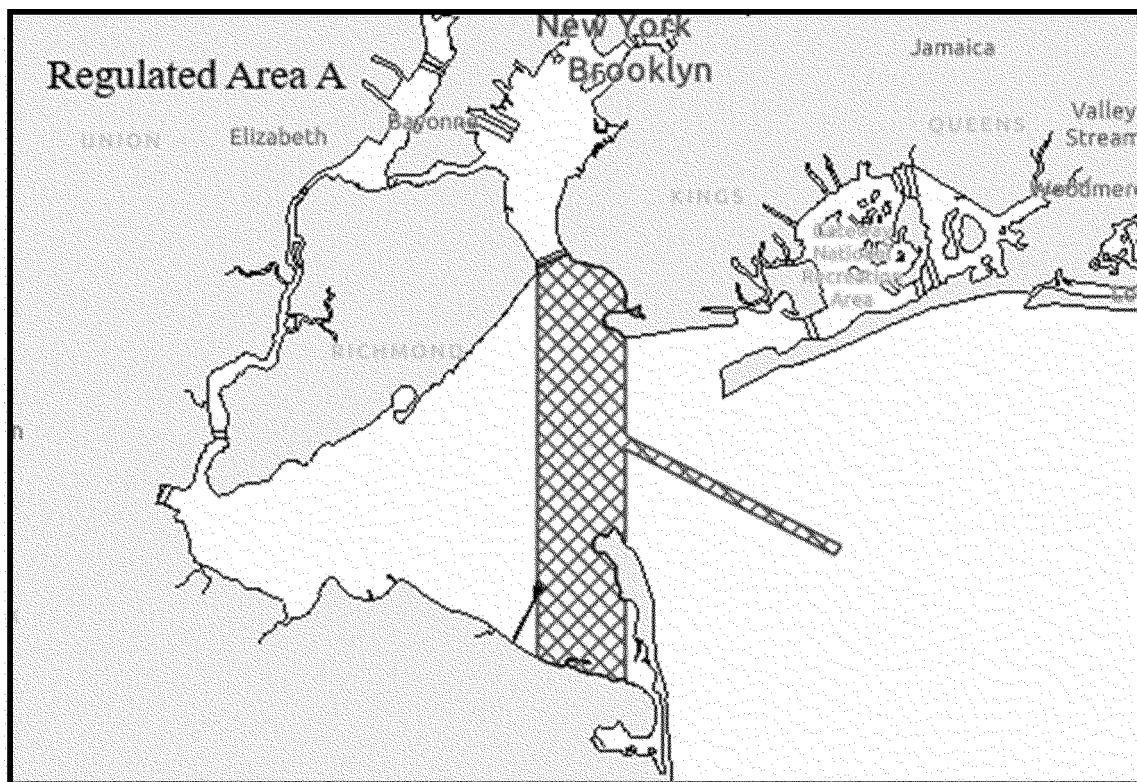
boundaries: south of the Verrazano-Narrows Bridge; west of a line drawn shore to shore along 074°00'00" W between Coney Island, NY, and Highlands, NJ; and east of a line drawn shore to shore along 074°03'12" W between Fort Wadsworth, Staten Island, and Leonardo, NJ and all waters of

Ambrose Channel shoreward of buoys '1' and '2'. These coordinates are based on the World Geodetic System (WGS 84). Please see Figure 1 below depicting proposed Regulated Area 'A', included within this NPRM for the convenience of the reader. The proposed area is to be used as a staging area for vessels

participating in the Sail 4th 250 Tall Ship Parade of Sail. This proposed area would be enforced from 6 a.m. July 2, 2026, until 4 p.m. on July 4, 2026.

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(Figure 1. Chartlet showing the proposed Regulated Area 'A'.)

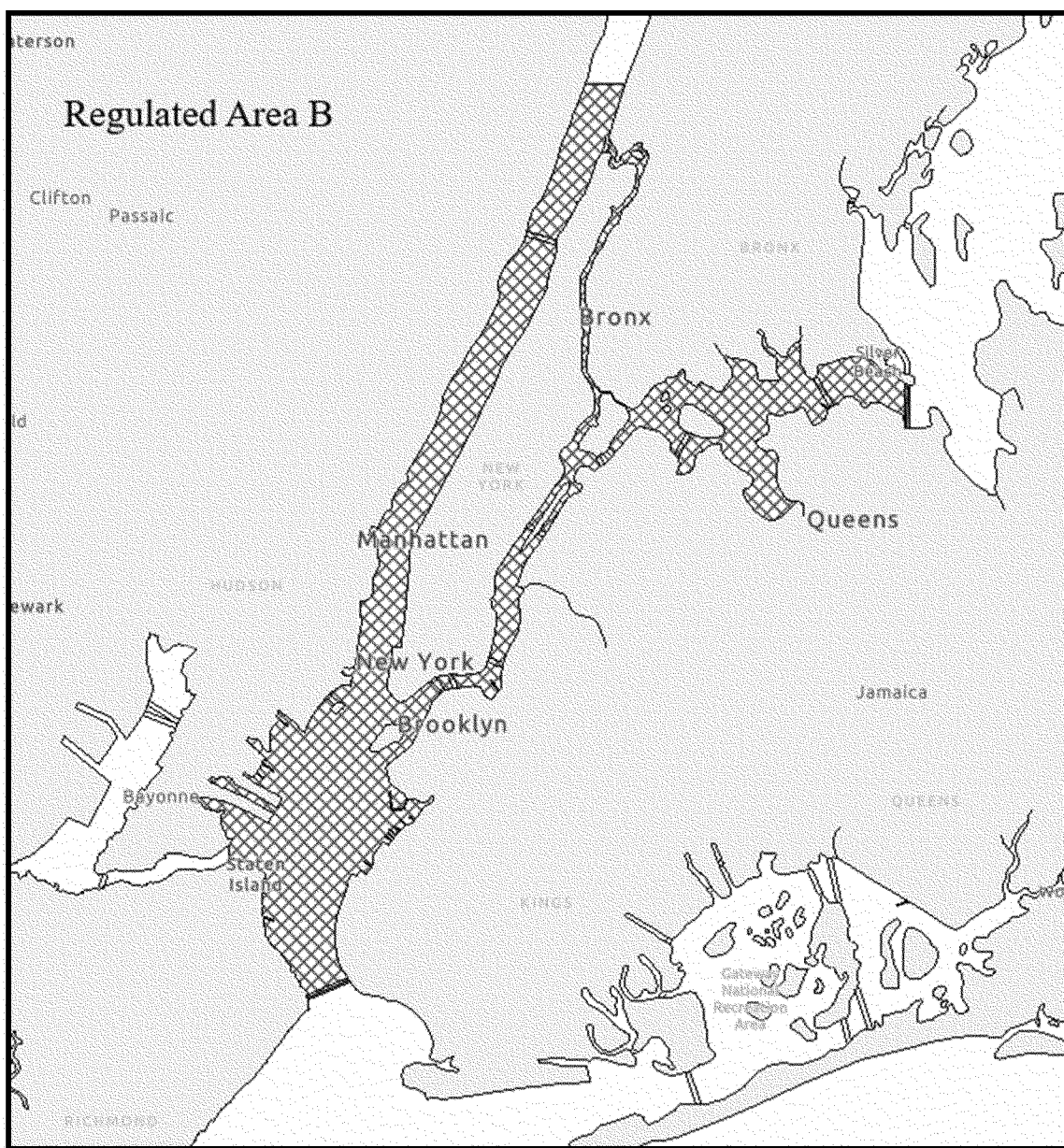


Regulated Area 'B': All waters of New York Harbor, Upper Bay, the Hudson, Harlem, and East Rivers, and the Kill Van Kull Channel within the following boundaries: south of 40°54'12" N, on the Hudson River at Spuyten Duyvil Creek; west of the Throgs Neck Bridge on the East River; north of the Verrazano-Narrows Bridge; and east of a line drawn from shore to shore along 074°05'15" W, between New Brighton, Staten Island, and Constable Hook, NJ, in the Kill Van Kull Channel. These coordinates are based on the World

Geodetic System (WGS 84). Please see Figure 2 below depicting proposed Regulated Area 'B', included with this NPRM for the convenience of the reader. This proposed area is for the Sail 4th 250 Tall Ship Parade of Sail, INR 250 and totality of events that are occurring throughout the week. Swimming, conducting underwater diving operations, operating surface or underwater drones, and conducting surveying operations would be prohibited for the duration of these events, unless expressly permitted by

the COTP or a designated representative. The heightened security posture within the Port of New York and New Jersey would continue until departure of the participating naval vessels and tall ships. The proposed regulated area would be effective from 10 a.m. on July 1, 2026, until 11:59 p.m. on July 9, 2026. Additional regulations governing these areas can be found at the end of this document under 100.T0199-0903.

(Figure 2. Chartlet showing the proposed Regulated Area 'B'.)



Special Local Regulation—Spectator Areas

The Coast Guard proposes establishing nine temporary spectator areas during the Sail 4th 250 Tall Ship Parade of Sail, INR 250, and IAR from 3 p.m. on July 3, 2026, through 8 a.m. on July 5, 2026. These temporary spectator areas would be established in the vicinity of Liberty Island, Caven Point, Jersey Flats, Robbins Reef, Bay Ridge, and South Beach, Staten Island. The proposed size and type of vessels

that would be authorized in each spectator area is outlined in the regulatory text at the end of this document under 100.T0199–0903.

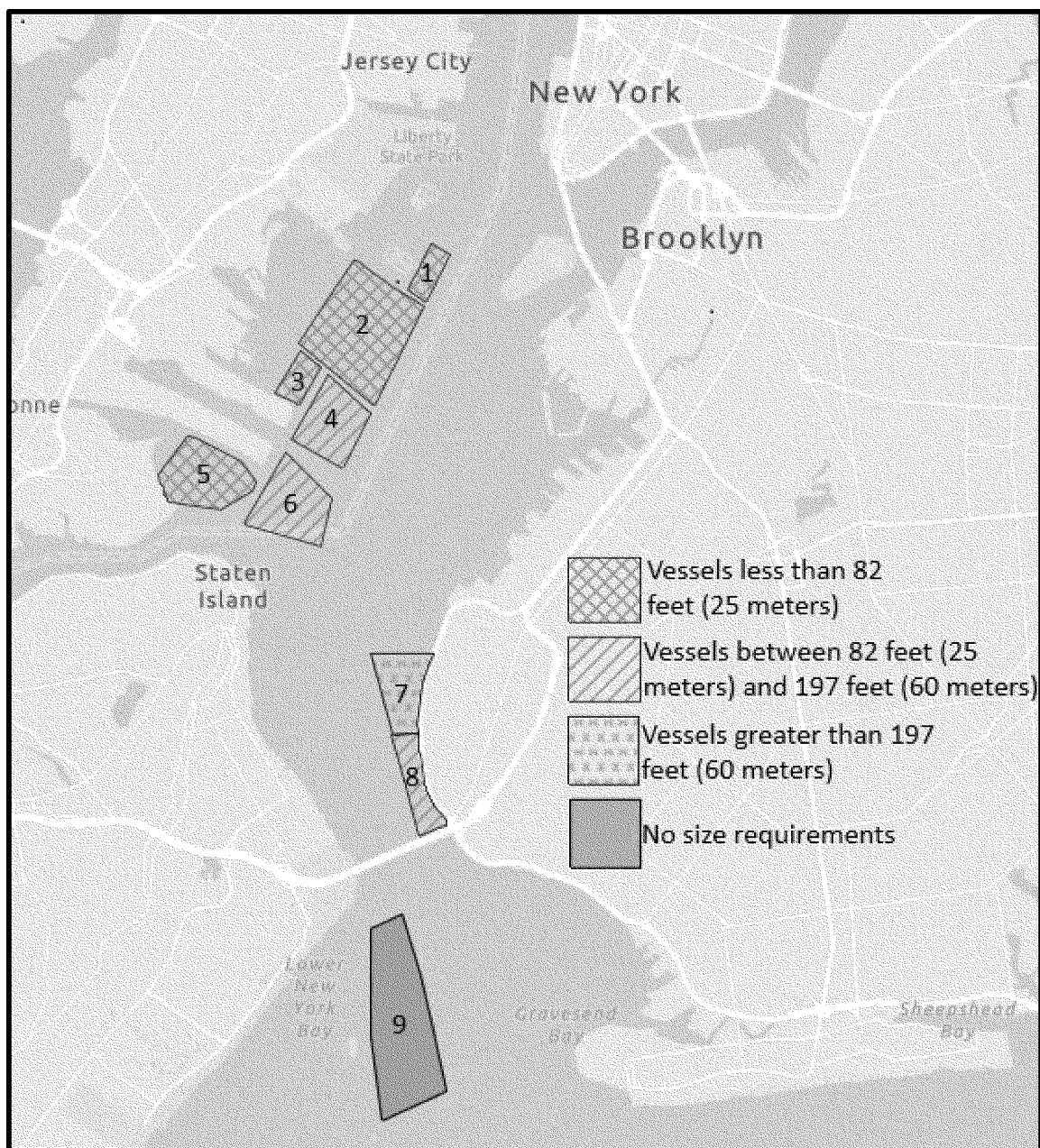
It is currently anticipated that vessel operators seeking to attend in spectator areas will have the opportunity to obtain a ticket through procedures established by the Sail 4th 250 event sponsor, which will be announced at a later date.

Following the completion of the Sail 4th 250 Tall Ship Parade of Sail, vessel

operators would be able to depart from their respective spectator areas as on-scene safety and security concerns allow. Transits to the south through the Narrows and to the west through the Kill van Kull may be allowed to depart significantly earlier than those transiting north through the East River and Hudson River.

The locations of the proposed temporary spectator areas are shown in Figure 3.

(Figure 3. Chartlet showing the proposed locations of the temporary spectator areas.)



Special Local Regulation—Staging Areas

The Coast Guard is proposing to establish six staging areas for use by Sail 4th 250 participant vessels and command vessels overseeing the Tall Ship Parade of Sail in the vicinity of Ellis Island, Governors Island, Gravesend Bay, and Sandy Hook Bay.

The staging areas in the vicinity of Ellis Island and Governors Island are

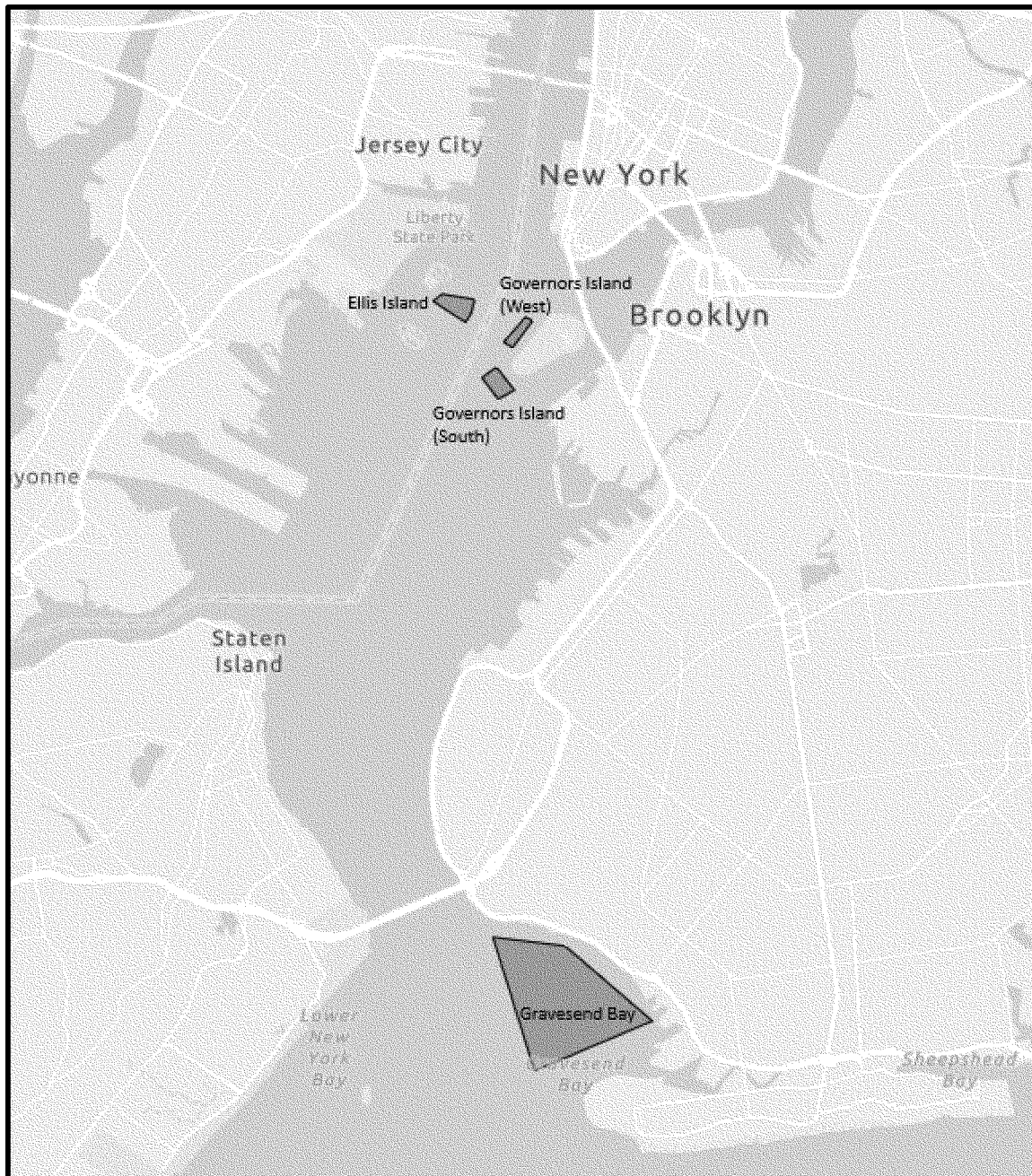
proposed to be established from 3 p.m. on July 3, 2026, through 8 a.m. on July 5, 2026. The staging area in the vicinity of Gravesend Bay is proposed to be established from 1 p.m. on July 3, 2026, to 4 p.m. on July 4, 2026. The staging areas in the vicinity of Sandy Hook Bay are proposed to be established from 6 a.m. on July 2, 2026, through 4 p.m. on July 4, 2026.

No vessels other than Sail 4th 250 participant vessels, command vessels,

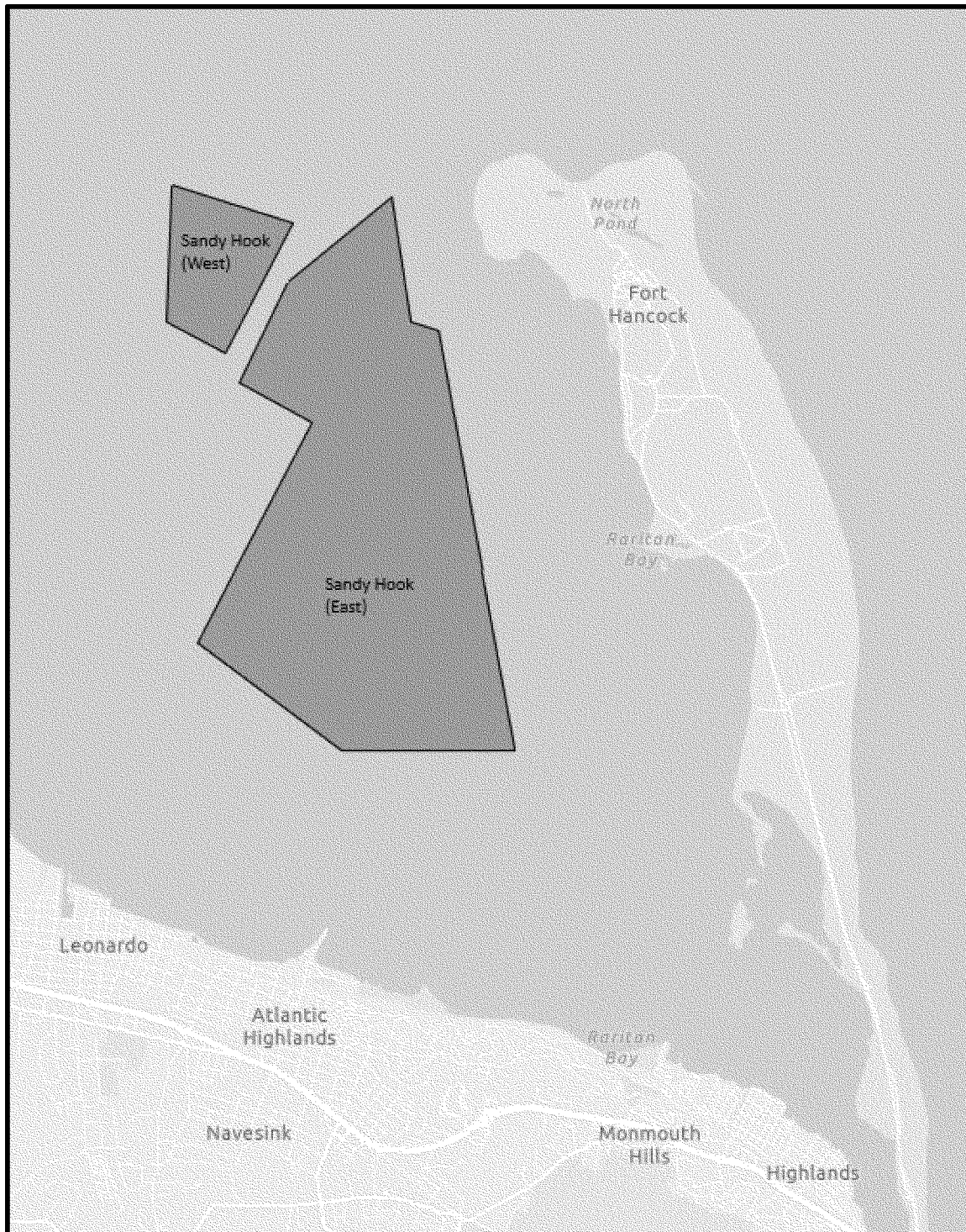
designated assist tugs, and enforcement vessels would be permitted to anchor, loiter, or approach within 100 yards of any Sail 4th 250 participant vessel when it is navigating or at anchor in these areas.

The proposed locations of the temporary staging areas are shown in Figures 4 and 5.

(Figure 4. Chartlet showing the proposed locations of the temporary staging locations.)



(Figure 5. Chartlet showing the proposed temporary staging areas in Sandy Hook Bay.)



Security Zones

The Coast Guard is proposing to establish multiple security zones as discussed in the regulatory text at the end of this document under 165.T01–0903. On July 1, 2026, naval vessels will

commence transiting into New York Harbor, with U.S. Naval Vessels operating under the protection of naval vessel protection zones as cited in 33

CFR 165.2025.¹⁰ For all participating foreign naval vessels, this rule proposes a 100-yard security zone while within all navigable waters within Sector New

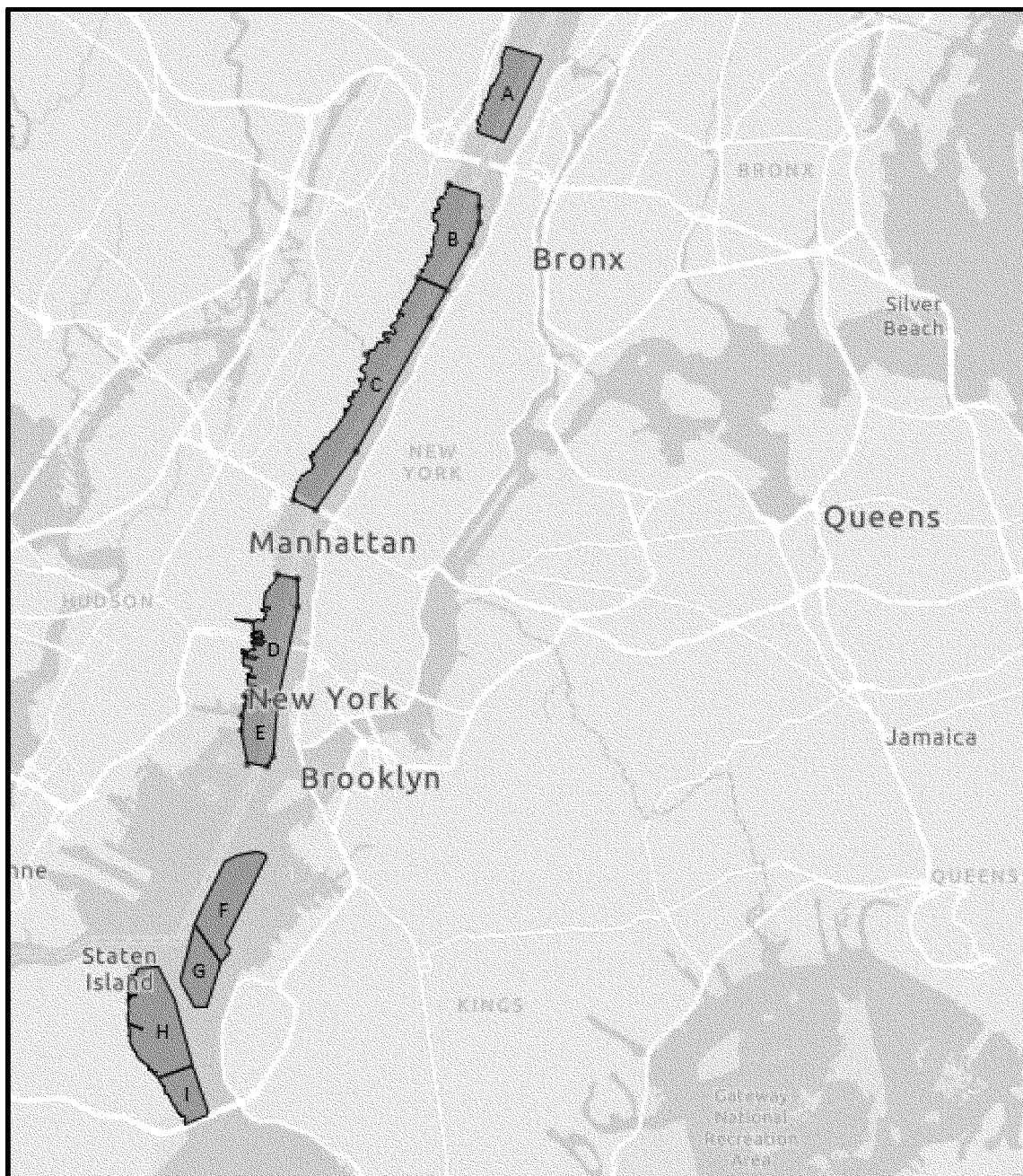
¹⁰ eCFR: 33 CFR 165.2025—Atlantic Area.

York Marine Inspection and Captain of the Port Zones as described in 33 CFR 3.05–30.¹¹ Additionally, the Coast Guard proposes to establish nine fixed security zones to be enforced upon U.S. and foreign naval vessels anchored in the Port of New York and New Jersey. These security zones are proposed to

protect U.S. and foreign naval vessels before, during, and after the Sail 4th 250 Tall Ship Parade of Sail, INR 250, and IAR. These security zones are proposed to be established from 12:01 a.m. July 1, 2026, through 11:59 p.m. on July 9, 2026.

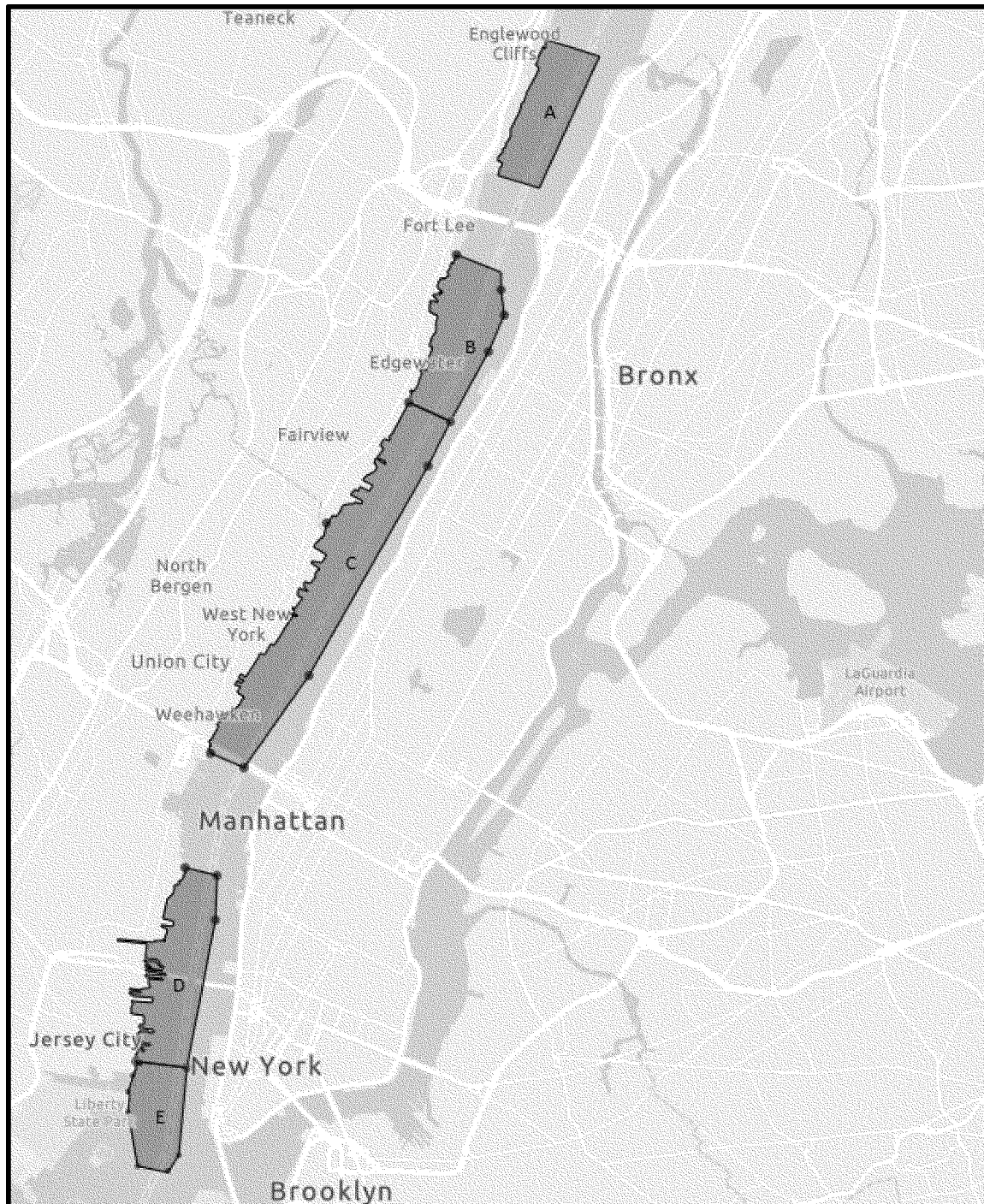
The proposed locations of the temporary security zones ALPHA through INDIA are depicted in Figures 6, 7, and 8.

(Figure 6. Chartlet showing the proposed locations of the security zones.)

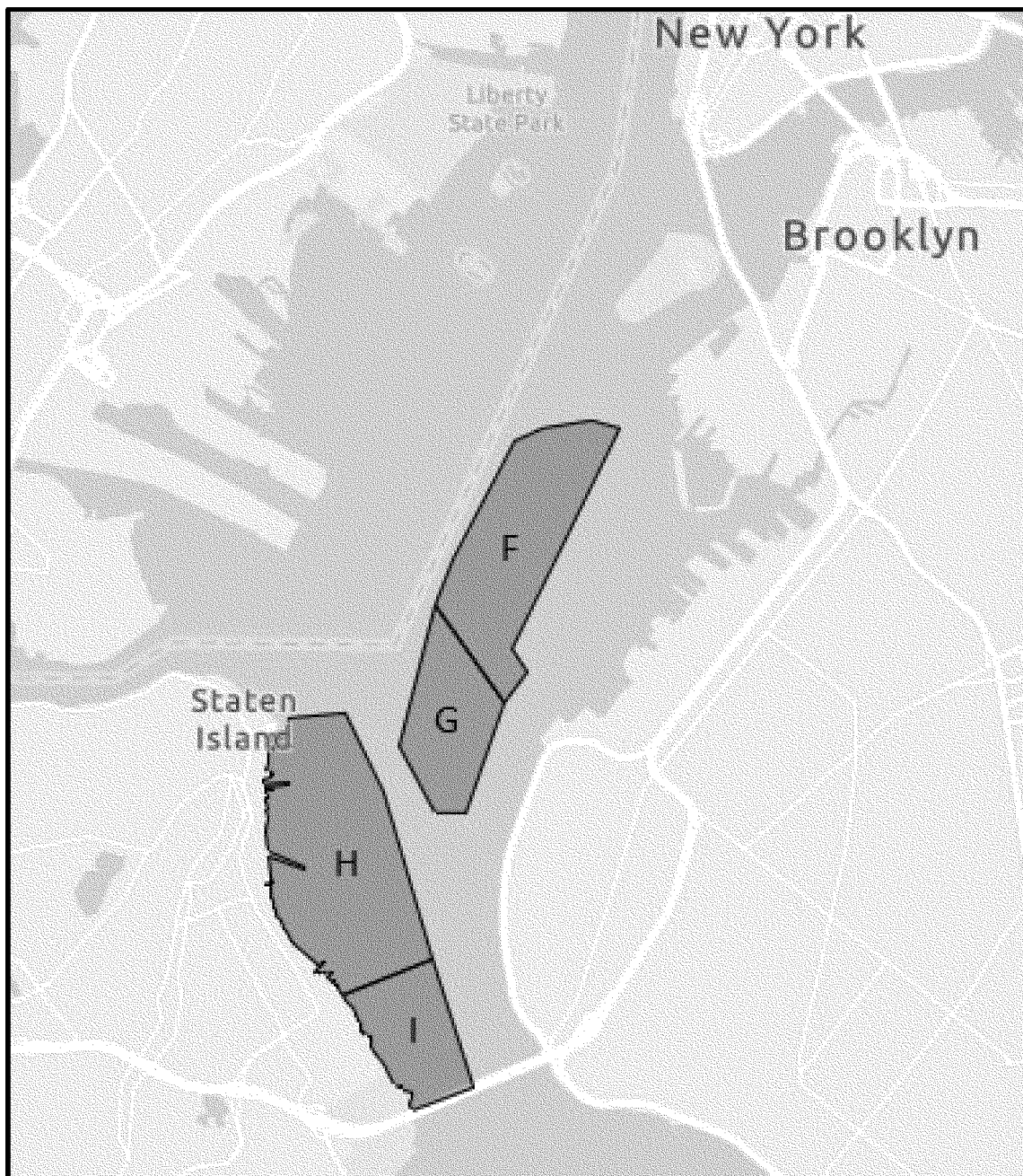


¹¹ <https://www.ecfr.gov/current/title-33/chapter-I/subchapter-A/part-3/subpart-3.05/section-3.05-30>.

(Figure 7. Chartlet showing the proposed Security Zones in the Hudson River.)



(Figure 8. Chartlet showing the proposed Security Zones in the Upper Bay.)



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Furthermore, the Coast Guard is proposing to establish a moving security zone for the "U.S. Naval Review Ship" reviewing the naval fleet. This security zone will include all navigable waters from surface to bottom within a 500-yard radius of the "U.S. Naval Review Ship" from 5 a.m. to 1 p.m. on July 4, 2026. This zone will only be enforced while the vessel is underway reviewing the naval fleet.

Finally, the Coast Guard is proposing to establish a security zone for the "Reviewing Official Viewing Platform". This security zone will include all waters from surface to bottom within a 500-yard radius of the U.S. Naval Vessel anchored in the vicinity of Federal Anchorage 21-B and will be enforced from 8 a.m. to 11:59 p.m. on July 4, 2026.

The COTP would make notification of exact dates and times in advance of each

enforcement period for each security zone to the local maritime community through the Local Notice to Mariners and Broadcast Notice to Mariners on VHF-FM Channel 16.

Vessels seeking permission to transit security zones shall contact the COTP or designated representative on VHF-FM 16 or (844) NYC-USCG.

Temporary Suspension of Anchorages

This proposal includes the temporary suspension of certain anchorage grounds within 33 CFR 110.155 (Port of New York)¹² through the temporary stay of their associated regulations governing their use, during the periods that the regulated areas, temporary spectator areas, staging areas, and security zones are temporarily in effect. The anchorages we propose to suspend are Anchorage No. 16, Anchorage No. 17, Anchorage No. 19 West, Anchorage No. 20–A, Anchorage No. 20–B, Anchorage No. 20–C, Anchorage No. 20–D, Anchorage No. 20–E, Anchorage No. 20–F, Anchorage No. 20–G, Anchorage No. 21–B, Anchorage No. 21–C, Anchorage No. 23–A, Anchorage No. 23–B, Anchorage No. 24, Anchorage No. 25, Anchorage No. 49–F, and Anchorage No. 49–G. The proposed rule would be effective July 1, 2026, through July 9, 2026. However, vessels seeking to anchor in a traditional anchorage ground while it is temporarily suspended and not being used as a spectator area or staging area for the exclusive use of Sail 4th 250 and INR 250 could request permission to do so. They would need to request authorization from the VTS via VHF–FM channel 14 or by telephone at (718) 354–4088; see 33 CFR 110.155(d)(16) and (l) for additional permission to anchor guidance. All vessels granted permission to anchor would need to comply with lawful instructions of the VTS.

IV. Regulatory Analyses

We developed this proposed 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 Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons.

This regulation would temporarily suspend certain anchorage grounds, create spectator areas and staging areas, impose traffic control measures and security zones in portions of the Port of New York and New Jersey, and designate areas for viewing the Sail 4th 250 Tall Ship Parade of Sail, INR 250, IAR, and U.S. Navy Fleet Week events, all of which would allow for maximum use of the waterway by commercial tour boats that usually operate in the area. However, while the traffic control measures are in place over a substantial portion of the Port of New York and New Jersey, vessel movements will only be restricted for a limited period of time during the aforementioned events. The suspension of temporary anchorage grounds and implementation of security zones will only be effective for up to nine days. Vessels seeking to anchor in a traditional anchorage ground while they are temporarily suspended and not being used as a spectator area or staging area for the exclusive use of the Sail 4th 250 Tall Ship Parade of Sail and the INR 250 could request authorization from the from the VTS. While the security zones are effective for the entire nine days and consume a major portion of the Hudson River, they will not be enforced for the entire period and will allow for vessel traffic to proceed through the federal channel as normal for most of those nine days. As the U.S. Naval Vessels vacate each zone to proceed to berth after the events on July 4, 2026, the enforcement of these temporary security zones might be suspended. Selected vessels, such as ferries operating on established routes may have the opportunity to continue to transit through zones with permission from the COTP or designated representative. The Coast Guard will establish a process for vetting these certain vessels and the public will be notified at a later date. Over the past six months, Sail 4th 250 and the U.S. Navy have held multiple meetings open to port stakeholders discussing these events on July 4, 2026, and during each meeting, varying degrees of waterway impacts have been discussed, including those similar to what is proposed in this NPRM. An extensive advance notice will be made to mariners via appropriate means, which may include broadcast notice to mariners, local notice to mariners, marine safety information bulletins, local port operators group meetings, Harbor Safety Committee meetings, the internet, handouts, or local newspapers and media. The advance notice will permit mariners to adjust their plans accordingly. Similar restrictions were

established for other tall ship parades and INR events in 1976, 1986, and 2000. Based upon the Coast Guard’s experiences from those previous events of similar magnitude and considering this is the first such event in the Port of New York and New Jersey since the attacks of September 11, 2001, these proposed regulations have been narrowly tailored to impose the least impact on maritime interests while providing the necessary level of safety and security.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this proposed 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).

B. Collection of Information

This proposed 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 proposed 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 proposed 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

¹² <https://www.ecfr.gov/current/title-33/section-110.155>.

that this proposed 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 proposed 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 proposed rule involves temporarily suspending permanent anchorages, proposing temporary spectator areas, and establishing temporary security zones and vessel traffic control measures to facilitate the safety of all spectator and participant vessels in the Sail 4th 250 Tall Ship Parade of Sail, INR 250, and IAR events. It is categorically excluded from further review under paragraphs L59(b), L60(a), and L61.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this

document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2025–0903 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. We will post public comments in our online docket. Additional information is on the <https://www.regulations.gov> Frequently Asked Questions web page.

Personal information. 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 to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects

33 CFR Part 100

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

33 CFR Part 110

Anchorage grounds.

33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 100, 110, and 165 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

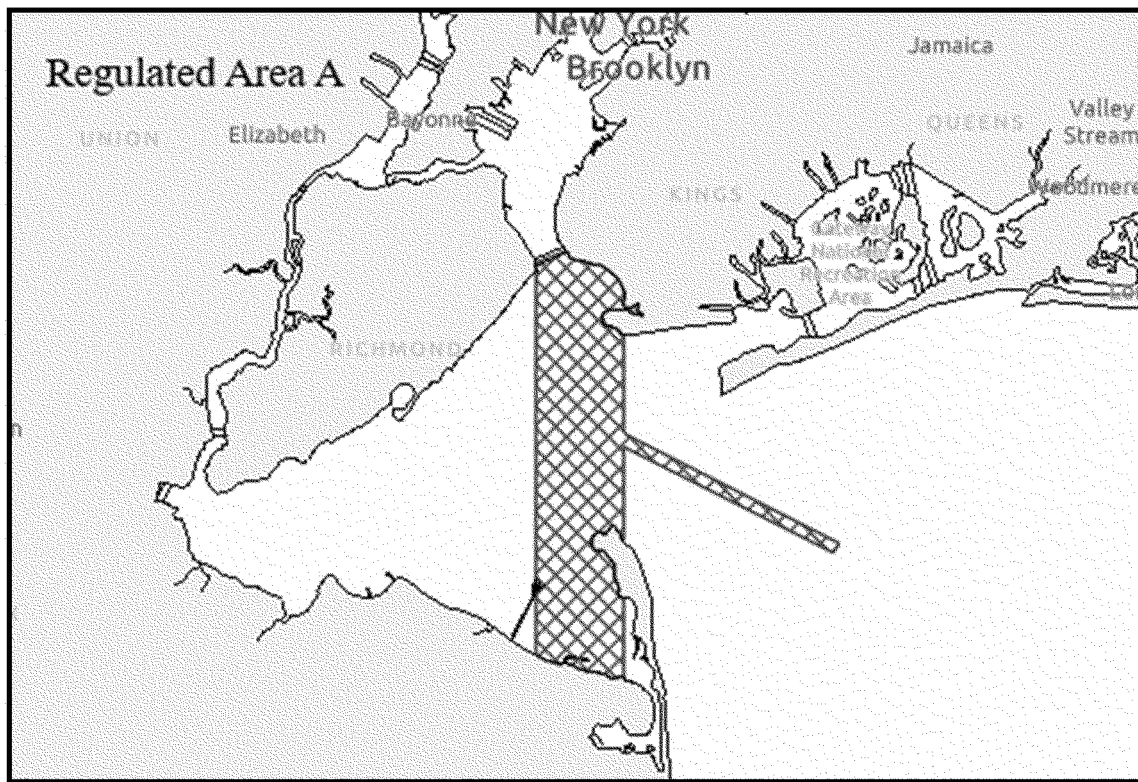
■ 2. Add § 100.T0199–0903 to read as follows:

§ 100.T0199–0903 Sail 4th 250 and International Naval Review 250, Port of New York and New Jersey.

(a) *Regulated areas.* (1) Regulated Area ‘A’—(i) Location. The following area is a special regulated area: All waters of New York Harbor Lower Bay and Sandy Hook Bay within the following boundaries: south of the Verrazano-Narrows Bridge; west of a line drawn shore to shore along 074°00’00” W between Coney Island, New York, and Highlands, New Jersey; and east of a line drawn shore to shore along 074°03’12” W between Fort Wadsworth, Staten Island, and Leonardo, New Jersey and all waters of Ambrose Channel shoreward of buoys 1 and 2. These coordinates are based on the World Geodetic System (WGS 84).

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(Figure 1 to § 100.T0199–0903: Chartlet Showing Regulated Area ‘A’.)



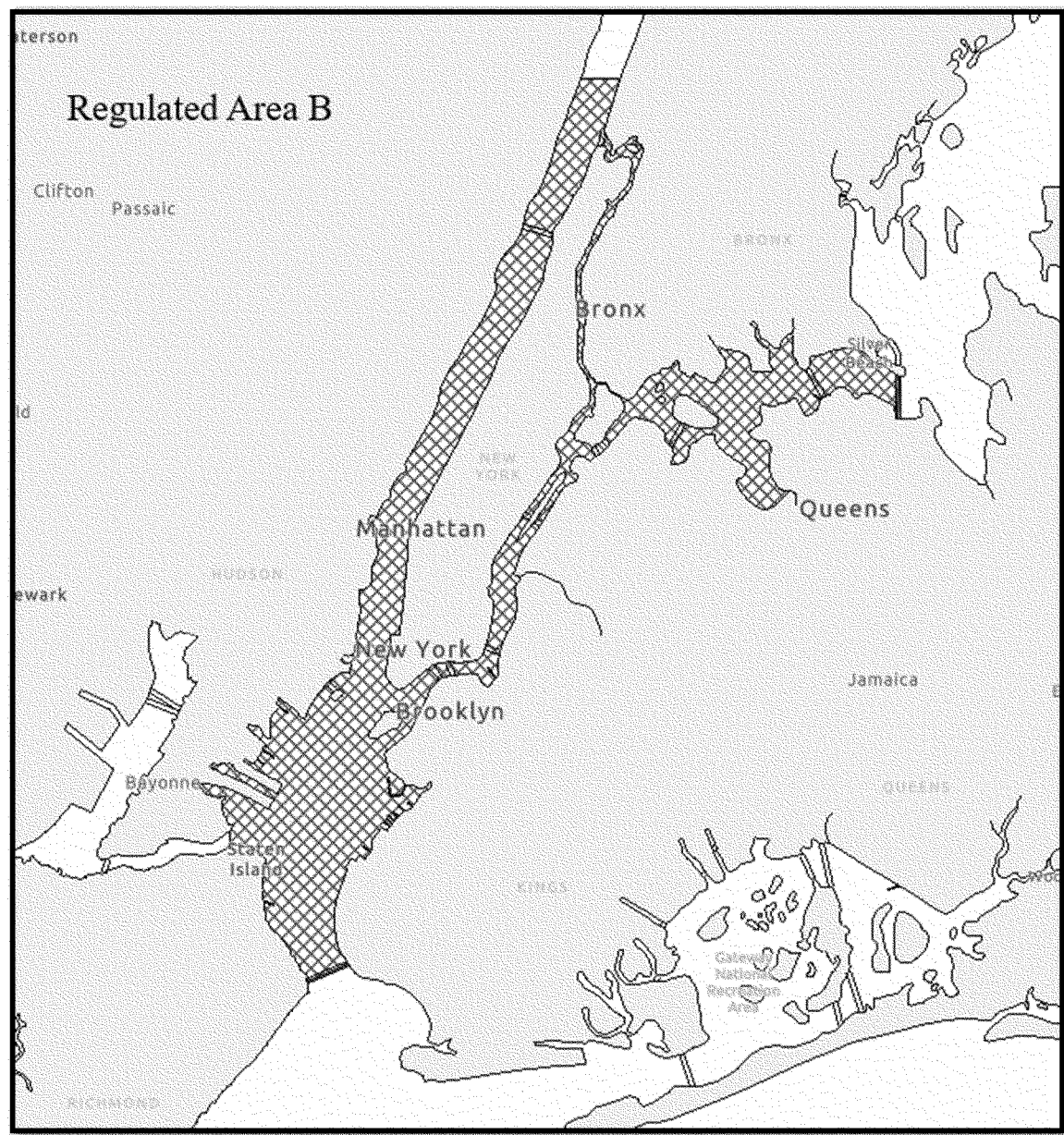
(ii) This section will be enforced from 6 a.m. July 2, until 4 p.m. on July 4, 2026.

(2) Regulated Area ‘B’—(i) Location. The following area is a special regulated area: All waters of New York Harbor, Upper Bay, the Hudson, Harlem, and

East Rivers, and the Kill Van Kull Channel within the following boundaries: south of $40^{\circ}54'12''$ N, on the Hudson River at Spuyten Duyvil Creek; west of the Throgs Neck Bridge on the East River; north of the Verrazano-Narrows Bridge; and east of a line

drawn from shore to shore along $074^{\circ}05'15''$ W, between New Brighton, Staten Island, and Constable Hook, New Jersey, in the Kill Van Kull Channel. These coordinates are based on the World Geodetic System (WGS 84).

(Figure 2 to § 100.T0199–0903: Chartlet
Showing the Regulated Area ‘B’.)



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(ii) This section will be enforced from 10 a.m. on July 1, until 11:59 p.m. on July 9, 2026.

(b) *Spectator Areas.* (i) Location and prohibition. Each area provided in the table below, expressed in Degrees (°) Minutes (') Seconds (") (DMS) based on the World Geodetic System (WGS 84), constitutes a spectator area along with its prohibitions.

TABLE 1 TO § 100.T0199–0903—SUPPLEMENTAL INFO TO PARAGRAPH (b)

Spectator area	Location	Prohibitions
1	All navigable waters of the Upper Bay in the vicinity of Liberty Island within a polygon formed by connecting the latitude and longitude points in the following order: 40°41'31.91" N, 074°02'21.51" W; thence to 40°41'25.64" N, 074°02'09.27" W; thence to 40°41'02.03" N, 074°02'24.76" W; thence to 40°41'08.16" N, 074°02'37.71" W; and then returning to its point of origin at 40°41'31.91" N, 074°02'21.51" W.	Exclusive use for spectator vessels less than 82 feet (25 meters) in length.

TABLE 1 TO § 100.T0199–0903—SUPPLEMENTAL INFO TO PARAGRAPH (b)—Continued

Spectator area	Location	Prohibitions
2	All navigable waters of the Upper Bay south of Liberty Island, within a polygon formed by connecting the latitude and longitude points in the following order: 40°41'23.45" N, 074°03'13.23" W; thence to 40°40'59.45" N, 074°02'26.45" W; thence to 40°40'09.39" N, 074°02'59.28" W; thence to 40°40'40.90" N, 074°03'50.15" W; then returning to its point of origin at 40°41'23.45" N, 074°03'13.23" W.	Exclusive use for spectator vessels less than 82 feet (25 meters) in length.
3	All navigable waters of the Upper Bay north of Port Liberty, New Jersey within a polygon formed by connecting the latitude and longitude points in the following order: 40°41'37.14" N, 074°03'49.36" W; thence to 40°40'28.30" N, 074°03'35.89" W; thence to 40°40'09.12" N, 074°03'49.98" W; thence to 40°40'16.04" N, 074°04'06.14" W; then returning to its point of origin at 40°41'37.14" N, 074°03'49.36" W.	Exclusive use for spectator vessels less than 82 feet (25 meters) in length.
4	All navigable waters of the Upper Bay East of Port Liberty, New Jersey within a polygon formed by connecting the latitude and longitude points in the following order: 40°40'24.58" N, 074°03'30.29" W; thence to 40°40'05.59" N, 074°03'01.78" W; thence to 40°39'37.30" N, 074°03'20.33" W; thence to 40°39'51.52" N, 074°03'54.28" W; then returning to its point of origin at 40°40'24.58" N, 074°03'30.29" W.	Exclusive use for spectator vessels between 82 feet (25 meters) and 197 feet (60 meters).
5	All navigable waters of the Upper Bay south of Bayonne Dry Dock and west of Robbins Reef within a polygon formed by connecting the latitude and longitude points in the following order: 40°39'53.70" N, 074°05'04.44" W; thence to 40°39'53.16" N, 074°04'59.22" W; thence to 40°39'40.68" N, 074°04'29.06" W; thence to 40°39'31.03" N, 074°04'18.39" W; thence to 40°39'25.49" N, 074°04'20.77" W; thence to 40°39'16.24" N, 074°04'42.47" W; thence to 40°39'19.80" N, 074°05'10.03" W; thence along the shoreline to 40°39'34.05" N, 074°05'24.49" W; then returning to its point of origin at 40°39'53.70" N, 074°05'04.44" W.	Exclusive use for spectator vessels less than 82 feet (25 meters) in length.
6	All navigable waters of the Upper Bay in the vicinity of Robbins Reef within a polygon formed by connecting the latitude and longitude points in the following order: 40°39'46.13" N, 074°03'59.42" W; thence to 40°39'22.16" N, 074°03'27.69" W; thence to 40°38'57.98" N, 074°03'34.90" W; thence to 40°39'09.13" N, 074°04'26.80" W; then returning to its point of origin at 40°39'46.13" N, 074°03'59.42" W.	Exclusive use for spectator vessels between 82 feet (25 meters) and 197 feet (60 meters).
7	All navigable waters of the Upper New York Bay on the east side of the Anchorage Channel in the vicinity of Bay Ridge Channel within a polygon formed by connecting the latitude and longitude points in the following order: 40°38'03.44" N, 074°02'20.63" W; thence to 40°38'03.37" N, 074°03'02.01" W; thence to 40°37'21.69" N, 074°02'47.88" W; thence to 40°37'22.82" N, 074°02'30.20" W; then returning to its point of origin along the shoreline at 40°38'03.44" N, 074°02'20.63" W.	Exclusive use for spectator vessels greater than 197 feet (60 meters).
8	All navigable waters of the Upper New Bay on the east side of the Anchorage Channel in the vicinity of the Verrazano-Narrows Bridge within a polygon formed by connecting the latitude and longitude points in the following order: 40°37'22.82" N, 074°02'30.20" W; thence to 40°37'21.69" N, 074°02'47.88" W; thence to 40°36'30.53" N, 074°02'29.64" W; thence to 40°36'36.26" N, 074°02'11.13" W; then returning to its point of origin along the shoreline at 40°37'22.82" N, 074°02'30.20" W.	Exclusive use for spectator vessels between 82 feet (25 meters) and 197 feet (60 meters).
9	All navigable waters of the Lower New York Bay west of Ambrose Channel within a polygon formed by connecting the latitude and longitude points in the following order: 40°35'43.77" N, 074°03'02.84" W; thence to 40°35'50.99" N, 074°02'40.96" W; thence to 40°35'19.33" N, 074°02'28.42" W; thence to 40°34'20.73" N, 074°02'11.99" W; thence to 40°34'05.86" N, 074°02'54.46" W; thence to 40°34'49.43" N, 074°03'02.81" W; then returning to its point of origin at 40°35'43.77" N, 074°03'02.84" W.	Exclusive use for any spectator vessel on a first-come first-served basis.

(ii) This section will be enforced from 3 p.m. on July 3, 2026, until 8 a.m. on July 5, 2026.

(c) *Staging Areas.* (i) Location, effective period, and prohibitions. Each area provided in the table below, expressed in Degrees (°) Minutes (')

Seconds (") (DMS) based on the World Geodetic System (WGS 84), constitutes a staging area with its effective period and prohibitions.

TABLE 2 TO § 100.T0199–0903—SUPPLEMENTAL INFO TO PARAGRAPH (c)

Staging area	Location	Effective period	Prohibitions
Ellis Island	All navigable waters of the Upper Bay in the vicinity of Ellis Island within a polygon formed by connecting the latitude and longitude points in the following order: 40°41'46.04" N, 074°02'22.59" W; thence to 40°41'42.36" N, 074°02'00.56" W; thence to 40°41'35.73" N, 074°02'02.75" W; thence to 40°41'30.22" N, 074°02'06.60" W; thence to 40°41'41.62" N, 074°02'29.03" W; and then returning to its point of origin at 40°41'46.04" N, 074°02'22.59" W.	From 3 p.m. on July 3, 2026, until 8 a.m. on July 5, 2026.	Exclusive use for Sail 4th 250 Command Vessels overseeing the Tall Ship Parade of Sail.
Governors Island (West).	All navigable waters of the Upper Bay west of Governors Island, within a polygon formed by connecting the latitude and longitude points in the following order: 40°41'33.54" N, 074°01'25.86" W; thence to 40°41'31.15" N, 074°01'20.31" W; thence to 40°41'17.31" N, 074°01'34.86" W; thence to 40°41'19.85" N, 074°01'39.98" W; then returning to its point of origin at 40°41'33.54" N, 074°01'25.86" W.	From 3 p.m. on July 3, 2026, until 8 a.m. on July 5, 2026.	Exclusive use for Sail 4th 250 Command Vessels overseeing the Tall Ship Parade of Sail.

TABLE 2 TO § 100.T0199–0903—SUPPLEMENTAL INFO TO PARAGRAPH (c)—Continued

Staging area	Location	Effective period	Prohibitions
Governors Island (South).	All navigable waters of the Upper Bay south of Governors Island within a polygon formed by connecting the latitude and longitude points in the following order: 40°41'07.07" N, 074°01'45.75" W; thence to 40°40'54.67" N, 074°01'32.69" W; thence to 40°40'49.98" N, 074°01'43.75" W; thence to 40°41'01.84" N, 074°01'54.83" W; then returning to its point of origin at 40°41'07.07" N, 074°01'45.75" W.	From 3 p.m. on July 3, 2026, until 8 a.m. on July 5, 2026.	Exclusive use for Sail 4th 250 Command Vessels overseeing the Tall Ship Parade of Sail.
Gravesend Bay	All navigable waters of Gravesend Bay within a polygon formed by connecting the latitude and longitude points in the following order: 40°36'06.70" N, 074°01'47.53" W; thence to 40°36'02.82" N, 074°00'58.32" W; thence to 40°35'23.06" N, 073°59'59.16" W; thence to 40°34'57.08" N, 074°01'19.96" W; then returning to its point of origin at 40°36'06.70" N, 074°01'47.53" W.	From 1 p.m. on July 3, 2026, until 4 p.m. on July 4, 2026.	Exclusive use for Sail 4th 250 Participant vessels awaiting the Tall Ship Parade of Sail.
Sandy Hook (West)	All navigable waters of Sandy Hook Bay in the vicinity of Naval Weapons Station Earle within a polygon formed by connecting the latitude and longitude points in the following order: 40°36'06.70" N, 074°01'47.53" W; thence to 40°36'02.82" N, 074°00'58.32" W; thence to 40°35'23.06" N, 073°59'59.16" W; thence to 40°34'57.08" N, 074°01'19.96" W; then returning to its point of origin at 40°36'06.70" N, 074°01'47.53" W.	From 6 a.m. on July 2, 2026, until 4 p.m. on July 4, 2026.	Exclusive use for Sail 4th 250 Participant vessels awaiting the Tall Ship Parade of Sail.
Sandy Hook (East) ..	All navigable waters of Sandy Hook Bay within a polygon formed by connecting the latitude and longitude points in the following order: 40°28'30.0" N, 074°01'42.0" W; thence to 40°27'56.0" N, 074°01'35.0" W; thence to 40°27'54.0" N, 074°01'25.0" W; thence to 40°26'00.0" N, 074°00'58.0" W; thence to 40°26'00.0" N, 074°02'00.0" W; thence to 40°26'29.0" N, 074°02'51.0" W; thence to 40°27'29.0" N, 074°02'10.0" W; thence to 40°27'40.0" N, 074°02'36.0" W; thence to 40°28'07.0" N, 074°02'19.0" W; then returning to its point of origin at 40°28'30.0" N, 074°01'42.0" W.	From 6 a.m. on July 2, 2026, until 4 p.m. on July 4, 2026.	Exclusive use for Sail 4th 250 Participant Vessels awaiting the Tall Ship Parade of Sail.

(d) *Definitions.* As used in this section—

Captain of the Port Representative or COTP Representative means a commissioned, warrant, or petty officer of the Coast Guard designated by name by the COTP to verify an event's compliance with the conditions of its approved permit.

Event Patrol Commander or Event PATCOM means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the respective Coast Guard Sector—Captain of the Port to enforce the regulations in this section.

Official patrol vessel or official patrol means any vessel assigned or approved by the respective COTP with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign, or any state or local law enforcement vessel approved by the COTP in accordance with current local agreements.

Inflatable boat means a vessel that uses air-filled flexible fabric for buoyancy.

Paddlecraft means a vessel powered only by its occupants, using a single- or double-bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, thole pins, crutches, or similar arrangements.

Participant means all persons and vessels registered with the Sail 4th 250 and International Naval Review 250 sponsors as a participant in their events.

Personal watercraft means any vessel propelled by a water-jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing within the vessel's hull.

Rowboat means an open vessel manually propelled by oars.

Seaplane means any aircraft designed to maneuver on the water.

Spectator area means an area bound by coordinates provided in latitude and longitude within the regulated area that outlines the boundary of an area reserved for spectator vessels watching the parade of sail or event.

Spectator means all persons and vessels not registered with the event sponsors as participants or official patrol vessels.

Staging area means an area bound by coordinates provided in latitude and longitude within the regulated area that outlines the boundary of an area reserved for Sail 4th 250 participant vessels and command vessels overseeing the Tall Ship Parade of Sail.

(e) *Patrol of the marine event.* COTP may assign one or more official patrol vessels, as described in § 100.40, to the regulated event. The Event PATCOM will be designated to oversee the patrol. The patrol vessel and the Event PATCOM may be contacted on VHF–FM Channel 16. The Event PATCOM may terminate the event with approval from

the COTP at any time if deemed necessary for the protection of life or property.

(f) *Special local regulations.* Enforced otherwise cited in (a)(2)(ii). (1) No vessel except Sail 4th 250/International Naval Review 250 participating vessels and their assisting tugs, ticketed spectator vessels, and those vessels exempt from the regulations in this section may enter or navigate within Regulated Areas 'A' or 'B', unless specifically authorized by the Coast Guard Captain of the Port New York, or their designated representative from 6 a.m. on July 4, 2026, until the conclusion of the Tall Ship Parade of Sail.

(2) All vessels transiting Regulated Area 'B' must do so at a slow no wake speed when within 100 yards of tall ships, U.S. Naval Vessels, foreign naval vessels, and law enforcement vessels anchored or moored.

(3) Notwithstanding paragraph (f)(1), no vessel other than participating tall ships and naval vessels, their assisting tugs, and enforcement vessels, may enter or navigate within the boundaries of the main shipping channel (including Ambrose Channel, Anchorage Channel South, and Anchorage Channel North) or Hudson River in Regulated Area 'B' during the Sail 4th 250 Tall Ship Parade of Sail and International Naval Review 250 unless specifically authorized by the COTP or their designated representative. No vessel in Regulated

Area 'B' is permitted to cross through the Tall Ship Parade of Sail, cross within 500 yards of the lead or last vessel in the Tall Ship Parade of Sail, or maneuver within 100 yards of any participant unless authorized to do so by the COTP or their designated representative.

(4) On July 4, 2026, any vessel transiting through Regulated Area 'A' or 'B' must make a direct passage. No vessel may stop, fish, or loiter. Vessels transiting to spectator areas may stop once in their authorized spectator area.

(5) No vessel is permitted to anchor in the main shipping channel (including Ambrose Channel, Anchorage Channel South, and Anchorage Channel North) or Hudson River outside of the designated spectator areas in Regulated Area 'B' at any time without authorization.

(6) No vessel, other than Sail 4th 250 or International Naval Review 250 participant vessels, their assisting tugs, and enforcement vessels, are permitted to transit the waters between Governors Island and The Battery in southern Manhattan from 6 a.m., July 4, 2026, until the end of the Tall Ship Parade of Sail. Vessels which must transit to or from the East River outside of the restrictions established by paragraph (f)(3) may only do so by using Buttermilk Channel unless otherwise authorized by the COTP or the COTP's Representative.

(7) No vessels may anchor, loiter, or approach within 100 yards of any Sail 4th 250 participant vessel when navigating or anchored within an established staging area except for other participating vessels and their assisting tugs.

(8) On July 4, 2026, only those ferry services with prior written authorization from the COTP or designated representative will be authorized to operate in Regulated Area 'B'. Ferry operators must follow all instructions given by the COTP's Representative.

(9) The operation of *seaplanes*, including taxiing, landing, and taking off, is prohibited in Regulated Area 'B' on July 3, 2026, and July 4, 2026, without prior written authorization from the COTP or designated representative.

(10) The operation of *personal watercraft, inflatable boats, paddlecraft, and row boats* are prohibited in Regulated Area 'B'.

(11) All persons are prohibited from swimming, conducting underwater diving operations, operating surface or underwater drones, and conducting surveying operations in Regulated Area 'B', without prior written authorization from the COTP or the designated representative.

(12) Vessels deciding to anchor within the designated spectator areas outlined in Table 1 above of this section are subject to the following regulations:

(i) Ensure their vessels are properly anchored and remain safely in position at anchor during the events.

(ii) Vessels must display anchor lights and day shapes, as required by the Navigation Rules in 33 CFR part 83.

(iii) Do not leave vessels unattended in any spectator area at any time.

(iv) Do not tie off to any aid to navigation, buoy, or mooring ball.

(v) Maintain at least 20 feet of clearance between anchored vessels.

(13) The COTP will provide notice of the regulated areas through advanced notice via the Local Notice to Mariners, Broadcast Notice to Mariners, and by on-scene designated representatives.

Note to § 100.T0199–0903: CAUTION: Mariners are cautioned that the areas designated as spectator areas in this section have not been subject to any special survey or inspection and that charts may not show all seabed obstructions or the shallowest depths. In addition, if you decide to anchor, spectator areas are in areas of substantial currents, and not all spectator areas are over good holding ground. Mariners are advised to take appropriate precautions when using these temporary spectator areas.

Note to § 100.T0199–0903: Untreated sewage discharges are prohibited within three miles from shore. Section 312 of the Clean Water Act requires the use of operable, U.S. Coast Guard-certified marine sanitation devices onboard vessels that are equipped with installed toilets and operating on U.S. navigable waters. Additionally, parts of the Hudson River located in EPA Region 02 are No-Discharge Zones. No-Discharge Zones prohibit the discharge of sewage from vessels to protect water quality. Mariners are warned they cannot discharge any treated or untreated sewage within a No-Discharge Zone and must instead retain it on board and use onshore pump-out facilities to dispose of it later. Additional information on commercial pump-out vessels or the location of onshore pump-out facilities dedicated to the collection and legal disposal of marine sewage may be found at <https://www.epa.gov/vessels-marinas-and-ports/no-discharge-zones-ndzs-state#ny>.

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 2071; 46 U.S.C. 70006, 70034; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1, Revision No. 4.

■ 2. Temporarily stay paragraphs (c)(1), (c)(2), (c)(5)(ii), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(7), (d)(8), (d)(11), (d)(12), (d)(13), (d)(14), (d)(15), (e)(1), (m)(2), and (m)(3) of 33 CFR 110.155,

effective from July 1, 2026, through July 9, 2026.

■ 3. Add a Note to § 110.155, effective from July 1, 2026, through July 9, 2026, to read as follows:

Note to § 110.155: Vessels seeking to anchor in an anchorage ground while it is temporarily suspended and not being used as a spectator area or staging area for the exclusive use of Sail 4th 250 and International Naval Review 250 must request authorization from the Vessel Traffic Service (VTS) via VHF–FM channel 14 or by telephone at (718) 354–4088. If permission is granted, all vessels must comply with lawful instructions of the VTS.

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.T01–0903 to read as follows:

§ 165.T01–0903 Security Zones; Sail 4th 250, International Naval Review 250; Port of New York and New Jersey.

(a) The following areas are established as security zones:

(1) Security Zones for Foreign Naval Vessels.

(i) *Location:* All navigable waters within Sector New York Marine Inspection and Captain of the Port Zone as described in 33 CFR 3.05–30 extending from the surface to bottom, within a 100-yard radius of any foreign naval vessels.

(ii) *Effective and enforcement period:* This rule will be effective from 12:01 a.m. July 1, 2026, through 11:59 p.m. on July 9, 2026. The Captain of the Port (COTP) will make notification of the exact names of the vessels in advance of each enforcement period for the security zone to the local maritime community through the Local Notice to Mariners (LNMs) and Broadcast Notices to Mariners (BNMs). The Northeast Coast Guard District Local Notice to Mariners can be found at: <http://www.navcen.uscg.gov>.

(2) Moving Security Zone for the U.S. Naval Review Ship.

(i) *Location:* All navigable waters surface to bottom, within a 500-yard radius of the U. S. Naval Review Ship as it transits the Hudson River and Upper New York Bay between the Spuyten Duyvil and the Verrazano-Narrows Bridge.

(ii) *Effective and enforcement periods:* This rule will be effective from 5 a.m. July 4, 2026, through 1 p.m. on July 4, 2026, but the security zone for the U.S.

Naval Review Ship in paragraph(a)(2)(i) will only be enforced while the vessel is underway as the review ship while conducting the International Naval Review. The COTP will make notification of the exact name of the review ship in advance of the enforcement period for the moving security zone to the local maritime community through the LNM and BNMs.

(3) Security Zone for the Reviewing Official Viewing Platform.

(i) *Location:* All navigable waters of Upper New York Harbor in the vicinity of Anchorage 21–B, extending from the surface to bottom, within a 500-yard radius of the U.S. Naval Ship serving as the Reviewing Official viewing platform during the Tall Ship Parade of Sail. The COTP will make notification to the local maritime community of the exact name of the vessel in advance of the

enforcement period through the Local Notice to Mariners.

(ii) *Effective and enforcement periods:* This rule will be enforced from 8 a.m. until 11:59 p.m. on July 4, 2026.

(4) Security Zone Areas. Each area provided in the table below, expressed in Degrees (°) Minutes (') Seconds (") (DMS) based on the World Geodetic System (WGS 84), constitutes a security zone.

TABLE 3—SUPPLEMENTAL INFO TO PARAGRAPH (a)(4)

Security zone name	Location
SECURITY ZONE ALPHA	All navigable waters of the west side of the Hudson River between Englewood Cliffs and Linwood, NJ, within a polygon formed by connecting the latitude and longitude points in the following order: 40°52'53.05" N, 073°56'37.73" W; thence to 40°52'43.56" N, 073°55'57.85" W; thence to 40°51'25.87" N, 073°56'44.98" W; thence to 40°51'33.40" N, 073°57'16.75" W; then returning to the point of origin along the shoreline at 40°52'53.05" N, 073°56'37.73" W.
SECURITY ZONE BRAVO	All navigable waters of the west side of the Hudson River between Fort Lee and Edgewater, NJ, within a polygon formed by connecting the latitude and longitude points in the following order: 40°50'46.36" N, 073°57'49.57" W; thence to 40°50'25.84" N, 073°57'14.78" W; thence to 40°50'10.92" N, 073°57'12.95" W; thence to 40°49'49.82" N, 073°57'24.27" W; thence to 40°49'08.58" N, 073°57'54.16" W; thence to 40°49'19.63" N, 073°58'26.91" W; and then returning to the point of origin along the shoreline at 40°50'46.36" N, 073°57'49.57" W.
SECURITY ZONE CHARLIE.	All navigable waters of the west side of the Hudson River near Edgewater, NJ, within a polygon formed by connecting the latitude and longitude points in the following order: 40°49'19.63" N, 073°58'26.91" W; thence to 40°49'08.58" N, 073°57'54.16" W; thence to 40°48'42.34" N, 073°58'11.73" W; thence to 40°48'08.25" N, 073°58'36.03" W; thence to 40°46'55.64" N, 073°59'31.04" W; thence to 40°46'38.43" N, 073°59'44.81" W; thence to 40°45'44.45" N, 074°00'34.98" W; thence to 40°45'53.18" N, 074°01'01.50" W; then returning to the point of origin along the shoreline at 40°49'19.63" N, 073°58'26.91" W.
SECURITY ZONE DELTA	All navigable waters of the west side of the Hudson River between Castle Point and Jersey City, NJ within a polygon formed by connecting the latitude and longitude points in the following order: 40°44'45.32" N, 074°01'21.34" W; thence to 40°44'40.47" N, 074°00'56.05" W; thence to 40°44'14.50" N, 074°00'57.08" W; thence to 40°42'47.24" N, 074°01'19.7" W; thence to 40°42'51.52" N, 074°01'59.43" W; and then returning to its point of origin along the shoreline at 40°44'45.32" N, 074°01'21.34" W.
SECURITY ZONE ECHO ...	All navigable waters of the west side of the Hudson River near Jersey City, NJ, to Ellis Island, NJ within a polygon formed by connecting the latitude and longitude points in the following order: 40°42'51.52" N, 074°01'59.43" W; thence to 40°42'47.24" N, 074°01'19.7" W; thence to 40°41'55.48" N, 074°01'26.32" W; thence to 40°41'46.07" N, 074°01'34.33" W; thence to 40°41'49.33" N, 074°01'58.02" W; thence to 40°42'20.76" N, 074°02'05.57" W; thence to 40°42'32.97" N, 074°02'04.93" W; thence to 40°42'42.28" N, 074°02'01.39" W; then returning to its point of origin along the shoreline at 40°42'51.52" N, 074°01'59.43" W.
SECURITY ZONE FOX-TROT.	All navigable waters of the Upper New York Bay on the east side of the Anchorage Channel between Red Hook, NY and Bay Ridge, NY, within a polygon formed by connecting the latitude and longitude points in the following order: 40°40'18.97" N, 074°02'24.01" W; thence to 40°40'27.04" N, 074°01'46.71" W; thence to 40°40'23.69" N, 074°01'33.56" W; thence to 40°39'03.33" N, 074°02'24.57" W; thence to 40°38'55.08" N, 074°02'17.40" W; thence to 40°38'44.10" N, 074°02'28.82" W; thence to 40°39'19.67" N, 074°03'01.81" W; thence to 40°39'36.58" N, 074°02'53.42" W; then returning to its point of origin 40°40'18.97" N, 074°02'24.01" W.
SECURITY ZONE GOLF ...	All navigable waters of the Upper New York Bay on the east side of the Anchorage Channel near Bay Ridge, Brooklyn, NY, within a polygon formed by connecting the latitude and longitude points in the following order: 40°39'19.67" N, 074°03'01.81" W; thence to 40°38'44.10" N, 074°02'28.82" W; thence to 40°38'03.37" N, 074°02'47.70" W; thence to 40°38'03.37" N, 074°03'02.01" W; thence to 40°38'28.00" N, 074°03'19.12" W; then returning to its point of origin at 40°39'19.67" N, 074°03'01.81" W.
SECURITY ZONE HOTEL	All navigable waters of the Upper New York Bay on the west side of the Anchorage Channel near Stapleton Anchorage within a polygon formed by connecting the latitude and longitude points in the following order: 40°38'33.68" N, 074°04'13.45" W; thence to 40°38'38.17" N, 074°04'12.15" W; thence to 40°38'40.15" N, 074°03'45.67" W; thence to 40°38'11.14" N, 074°03'27.16" W; thence to 40°37'09.56" N, 074°03'03.96" W; thence to 40°36'57.15" N, 074°03'46.95" W; thence to its point of origin along the shoreline at 40°38'33.68" N, 074°04'13.45" W.
SECURITY ZONE INDIA ...	All navigable waters of the Upper New York Bay on the west side of the Anchorage Channel near Stapleton Anchorage within a polygon formed by connecting the latitude and longitude points in the following order: 40°36'57.15" N, 074°03'46.95" W; thence to 40°37'09.56" N, 074°03'03.96" W; thence to 40°36'23.23" N, 074°02'43.82" W; thence to 40°36'14.43" N, 074°03'13.36" W; and then to its point of origin along the shore line at 40°36'57.15" N, 074°03'46.95" W.

(i) *Effective and enforcement period:* This rule will be effective from 12:01 a.m. July 1, 2026, through 11:59 p.m. on July 9, 2026, but the individual security

zone locations provided in Table 1 to (a)(4) will only be enforced while U.S. or foreign naval vessels are anchored or moored within the location. The COTP

will make notification of the exact dates and times in advance of each enforcement period for each security zone to the local maritime community

through the Local Notice to Mariners, Broadcast Notice to Mariners, Marine Safety Information Bulletins, or Coast Guard Advisory Notices.

(b) *Definitions.* As used in this section, *Designated Representative* means a Coast Guard coxswain, petty officer, or other officer or a Federal, State, and local officer designated by or assisting the COTP in the enforcement of the security zone.

Foreign Naval Vessel means any naval vessel of a foreign state, which is not required to be licensed for entry into the U.S. for visit purposes under 22 CFR 126.6, provided it is not undergoing repair or overhaul.

U.S. Naval Vessel means any vessel owned, operated, chartered, or leased by the U.S. Navy; any pre-commissioned vessel under construction for the U.S. Navy, once launched into the water; and any vessel under the operational control of the U.S. Navy or a Combatant Command.

(c) *Regulations.* (1) Under the general security zone regulations in subpart C of this part, you may not enter the security zones 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 on VHF-FM channel 16 or by telephone at (844) NYC-USCG. Those in a security zone must comply with all lawful orders or directions given to them by the COTP or the COTP representative.

(3) The Coast Guard Northeast District Local Notice to Mariners can be found at: <http://www.navcen.uscg.gov>.

Dated: December 16, 2025.

M.E. Platt,

Rear Admiral, U.S. Coast Guard, Commander, Coast Guard Northeast District.

[FR Doc. 2025-23435 Filed 12-18-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 441 and 457

[CMS-2451-P]

RIN 0938-AV73

Medicaid Program; Prohibition on Federal Medicaid and Children's Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to Children

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Proposed rule.

SUMMARY: This proposed rule would require that a State Medicaid plan must provide that the Medicaid agency will not make payment under the plan for sex-rejecting procedures for children under 18 and prohibit the use of Federal Medicaid dollars to fund sex-rejecting procedures for individuals under the age of 18. In addition, it would require that a separate State Children's Health Insurance Program (CHIP) plan must provide that the CHIP agency will not make payment under the plan for sex-rejecting procedures for children under 19 and prohibit the use of Federal CHIP dollars to fund sex-rejecting procedures for individuals under the age of 19.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on February 17, 2026.

ADDRESSES: In commenting, please refer to file code CMS-2451-P.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the "Submit a comment" instructions.
2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-2451-P, P.O. Box 8016, Baltimore, MD 21244-8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-2451-P, Mail

Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: MedicaidSRPinquiries@cms.hhs.gov.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <https://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on [Regulations.gov](https://www.regulations.gov) public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments. We encourage commenters to include supporting facts, research, and evidence in their comments. When doing so, commenters are encouraged to provide citations to the published materials referenced, including active hyperlinks. Likewise, commenters who reference materials which have not been published are encouraged to upload relevant data collection instruments, data sets, and detailed findings as a part of their comment.

Plain Language Summary: In accordance with 5 U.S.C. 553(b)(4), a plain language summary of this proposed rule may be found at <https://www.regulations.gov/>.

I. Background ¹

Title XIX of the Social Security Act (the Act) authorizes Federal grants to the States for Medicaid programs to

¹ This document contains links to non-U.S. Government websites. We are providing these links because they contain additional information relevant to the topics discussed in this document or that otherwise may be useful to the reader. We cannot attest to the accuracy of information provided on the cited third-party websites or any other linked third-party site. We are providing these links for reference only; linking to a non-U.S. Government website does not constitute an endorsement by CMS, HHS, or any of their employees of the sponsors or the information and/or any products presented on the website. Also, please be aware that the privacy protections generally provided by U.S. Government websites do not apply to third-party sites.

provide medical assistance to persons with limited income and resources and title XXI of the Act authorizes Federal grants to States to provide child health assistance to targeted low-income children under age 19 through a separate CHIP, a Medicaid-expansion program, or a combination of the two. Separate CHIPs are programs under which a State receives Federal funding from its title XXI allotment to provide child health assistance through coverage that meets the requirements of section 2103 of the Act and 42 CFR 457.402. For the purposes of this proposed rule, the term CHIP is used to refer to separate CHIPs. Medicaid and CHIP programs are administered primarily by the States, subject to Federal oversight and approval. Each State establishes its own Medicaid and CHIP eligibility standards, benefits packages, and payment rates in accordance with (and subject to) Federal statutory and regulatory requirements. If States comply with requirements in the Federal Medicaid and CHIP statutes and regulations (such as reflected in the provisions of their Federally-approved State plans), the Federal Government will match their expenditures with Federal funds. Each State Medicaid program and CHIP must be described and administered in accordance with a Federally approved State plan. This comprehensive document describes the nature and scope of the States' Medicaid program and CHIP and provides assurances that they will be administered in conformity with applicable Federal requirements.

Under title XIX, the Federal Government makes matching payments to States for medical assistance expenditures according to the formula described in sections 1903 and 1905(b) of the Act. Under title XXI, the Federal Government makes matching payments to States for child health assistance at the enhanced Federal medical assistance percentage (FMAP) established under section 2105 of the Act. Section 1903 of the Act requires that the Secretary of Health and Human Services (the Secretary) (except as otherwise provided) pay to each State which has a plan approved under title XIX of the Act, for each quarter, an amount equal to the FMAP of the total amount expended by the State during such quarter as medical assistance under the State plan. Section 1905(b) of the Act defines the FMAP. For CHIP, section 2105 requires the Secretary to pay each State with an approved plan under title XXI of the Act, for each quarter, an amount equal to the enhanced FMAP of expenditures in the

quarter, paid from the State allotment. The enhanced FMAP, as defined at section 2105(b), for a State for a fiscal year, is equal to the FMAP (as defined in the first sentence of section 1905(b)) for the State increased by a number of percentage points equal to 30 percent of the number of percentage points by which (1) such FMAP for the State is less than (2) 100 percent; but in no case shall the enhanced FMAP for a State exceed 85 percent.

As relevant to this proposed rule, among the statutory requirements for Medicaid State plans, section 1902(a)(19) of the Act² requires that a State plan for medical assistance provide such safeguards as may be necessary to assure that care and services under the plan will be provided in a manner consistent with the best interests of the recipients. Furthermore, under section 1902(a)(30)(A) of the Act,³ the State plan must provide such methods and procedures relating to payment for care and services as may be necessary to assure that payments are consistent with quality of care. Among the statutory requirements for CHIP State plans, under section 2101(a) of the Act, funds are provided to States to provide health care services to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children.

Section 1102 of the Act requires the Secretary to make and publish such rules and regulations, not inconsistent with the Act, as may be necessary for the efficient administration of the functions with which the Secretary is charged under the Act. In Medicaid, these Secretarial functions would include oversight of Medicaid State programs for consistency with the requirements of sections 1902(a)(19) and 1902(a)(30)(A) of the Act. In CHIP, these Secretarial functions would include

² Section 1902(a)(19) of the Act states that a State plan for medical assistance must "provide such safeguards as may be necessary to assure that eligibility for care and services under the plan will be determined, and such care and services will be provided, in a manner consistent with simplicity of administration and the best interests of the recipients."

³ Section 1902(a)(30)(A) of the Act states that a State plan for medical assistance must "provide such methods and procedures relating to the utilization of, and the payment for, care and services available under the plan (including but not limited to utilization review plans as provided for in section 1903(i)(4) of the Act) as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area."

oversight of CHIP under section 2101(a), which calls for effective and efficient administration of CHIP and coordination with other health care programs, including Medicaid, and under section 2107(e) of the Act, carrying out the functions required by the Medicaid provisions that apply to title XXI in the same manner as they apply under title XIX.

On January 28, 2025, President Trump issued Executive Order (E.O.) 14187, Protecting Children from Chemical and Surgical Mutilation (E.O. 14187). Section 5(a) of that order directs the Secretary to take all appropriate actions consistent with applicable law to end what the order refers to as the chemical and surgical mutilation of children, including regulatory and sub-regulatory actions for specific programs, including Medicaid. The Centers for Medicare & Medicaid Services (CMS) is aware that the U.S. District Court for the Western District of Washington has issued a preliminary injunction that enjoins defendant agencies from enforcing or implementing section 4 of E.O. 14187 within the plaintiff States, as well as sections 3(e) or 3(g) of E.O. 14168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government (E.O. 14168), to condition or withhold Federal funding based on the fact that a health care entity or health professional provides "gender-affirming care" within the plaintiff States. *Washington v. Trump*, 768 F. Supp. 3d 1239, 1282 (W.D. Wash. 2025). In addition, the U.S. District Court for the District of Maryland has issued a preliminary injunction that enjoins the Federal defendants in that case from conditioning, withholding, or terminating Federal funding under section 3(g) of E.O. 14168 and section 4 of E.O. 14187, based on the fact that a healthcare entity or health professional provides "gender-affirming care" to a patient under the age of 19 and required that written notice of this order be given to the aforementioned groups that Defendants may not take any steps to implement, give effect to, or reinstate under a different name the directives in section 3(g) of E.O. 14168 or section 4 of E.O. 14187 that condition or withhold Federal funding based on the fact that a healthcare entity or health professional provides "gender-affirming medical care" to a patient under the age of 19. *PFLAG, Inc. v. Trump*, 769 F. Supp. 3d 405, 455 (D. Md. 2025). We note that if this proposed rule were to be finalized, it would not conflict with those preliminary injunctions because, among other things, it would be based

on independent legal authority and section 5(a) of E.O. 14187 and not the enjoined sections of the executive orders. In any event, any regulatory provisions on this issue would not be effective until the specified effective date of any final rule, and would not be implemented, made effective, or enforced in contravention of any court orders.

As further discussed later in this proposed rule, we propose to implement sections 1902(a)(19) and 1902(a)(30)(A) of the Act by adding a new subpart N to 42 CFR part 441 to prohibit the use of Federal Medicaid dollars to fund sex-rejecting procedures, as defined in this proposed rule, for individuals under the age of 18. In addition, we propose to implement section 2103 of the Act by revising subpart D of part 457 of the Act to prohibit the use of Federal CHIP dollars to fund sex-rejecting procedures, as defined in this proposed rule, for individuals under the age of 19. These proposed changes would not prevent States from providing coverage for sex-rejecting procedures with State-only funds outside of the Federally-matched Medicaid program or CHIP.

A. The Rise of Sex-Rejecting Procedures for Treatment of Gender Dysphoria in Minors

Over the past decade, increasing numbers of children and adolescents have been diagnosed with gender dysphoria. The recorded prevalence of gender dysphoria/incongruence increased substantially in children and young people between 2011 and 2021, particularly in recorded females. Levels of anxiety, depression and self-harm were high, indicating an urgent need for better prevention and treatment of mental health difficulties in these patients [with gender dysphoria].⁴

Similar research in Germany showed increasing rates in the diagnosis of gender incongruence.⁵ Additionally, research in England explained that “[r]ecent increases in incidence of

gender dysphoria/incongruence have a range of potential explanations, including social factors (for example, . . . increasing use of social media and networking); increasing rates of emotional distress and poor mental health in this age group, particularly for females; and changes in supply and delivery of healthcare.”⁶ The number of children receiving medical interventions for gender dysphoria rose significantly following the publication of the “Dutch Protocol” in an article in the *European Journal of Endocrinology* in 2006.⁷ Over the past decade, increasing numbers of children have received diagnoses of gender dysphoria and received sex-rejecting procedures as recommended by the World Professional Association for Transgender Health (WPATH) and the Endocrine Society (ES).^{8,9} The WPATH Standards of Care for the Health of Transgender and Gender Diverse People, Version 8 (SOC-8) noted that the creation of a chapter on adolescents was due in part to the “exponential growth in adolescent referral rates.”¹⁰ Surveys measuring “transgender” identity find prevalence of 1.2 percent among adolescents and “gender diverse” identities as high as 9 percent.¹¹ WPATH also noted that female adolescents were seeking such procedures at twice to seven times the rate of males.¹²

Included in SOC-8 is the recommendation that care providers “undertake a comprehensive biopsychosocial assessment of adolescents” who seek medical transition¹³ and “involve relevant

disciplines, including mental health and medical professionals,” as well as parents, “unless their involvement is determined to be harmful.”¹⁴

The number of pediatric patients seeking sex-rejecting procedures can only be roughly estimated. In recent years, “the United States—characterized by its decentralized and privatized healthcare system—saw the emergence of many new specialty gender clinics, along with a proliferation of independently practicing clinicians. According to a recent conservative estimate, as of March 2023 there were 271 clinics offering [pediatric medical transition] in the U.S., though 70 were inactive due to legislative restrictions.”¹⁵

An approach for gender dysphoria, referred to in this proposed rule as sex-rejecting procedures,¹⁶ can involve the use of puberty suppressing drugs to prevent the onset of puberty; cross-sex hormones to spur the secondary sex characteristics of the opposite sex; and surgeries including mastectomy and (in rare cases) vaginoplasty. “Thousands of American children and adolescents have received these interventions.”¹⁷

A study published in 2023 estimated that between 2016 and 2020, nearly 3,700 children between the ages of 12 and 18 diagnosed with gender dysphoria underwent surgical procedures, including over 3,200 children who had breast or chest surgery, and over 400 children who had genital surgery.¹⁸ Another analysis found that between 2017 and 2021, more than 120,000 children ages 6 to 17 were diagnosed with gender dysphoria and, of that group, more than 4,700 started taking puberty blockers and more than 14,000 started hormonal therapy.¹⁹ However, as discussed later in this proposed rule, current medical evidence does not support a favorable

⁶ Jarvis et al., “Epidemiology of gender dysphoria,” 619.

⁷ Henriette A. Delemarre-van de Waal and Peggy T. Cohen-Kettenis, “Clinical management of gender identity disorder in adolescents: A protocol on psychological and pediatric endocrinology aspects,” *European Journal of Endocrinology* 155, Supp 1 (2006): S131–S137, <https://doi.org/10.1530/eje.1.02231>.

⁸ E. Coleman et al., “Standards of Care for the Health of Transgender and Gender Diverse People, Version 8,” *International Journal of Transgender Health* 23, Supp 1 (2022): S1–S258, <https://doi.org/10.1080/26895269.2022.2100644>.

⁹ Wylie C. Hembree et al., “Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline,” *The Journal of Clinical Endocrinology & Metabolism* 102, no. 11 (2017): 3869–3903, <https://doi.org/10.1210/clinem.2017-01658>.

¹⁰ E. Coleman et al., “Standards of Care,” S43.

¹¹ E. Coleman et al., “Standards of Care,” S43.

¹² E. Coleman et al., “Standards of Care,” S43.

¹³ Medical transition refers to the provision of hormonal or surgical interventions, as adapted from the Department of Health and Human Services, “Treatment for Pediatric Gender Dysphoria Review of Evidence and Best Practices,” (November 19, 2025): 29, <https://opa.hhs.gov/sites/default/files/2025-11/gender-dysphoria-report.pdf> [hereinafter “HHS Review”].

¹⁴ Jennifer Block, “US transgender health guidelines leave age of treatment initiation open to clinical judgment,” *BMJ* 378 (2022), <https://doi.org/10.1136/bmj.o2303>. See also E. Coleman et al., “Standards of Care,” S50, S56, S58.

¹⁵ HHS Review, 57–58. See Luca Borah et al., “State restrictions and geographic access to gender-affirming care for transgender youth,” *JAMA* 330, no. 4 (2023): 375–378, doi:10.1001/jama.2023.11299.

¹⁶ In this proposed rule, we have sought to use the term “sex-rejecting procedures” to refer to the set of procedures encompassed in the proposed definition.

¹⁷ HHS Review, 9.

¹⁸ Jason D. Wright et al., “National Estimates of Gender-Affirming Surgery in the US,” *Jama Network Open* 6, no. 8 (2023), doi:10.1001/jamanetworkopen.2023.30348.

¹⁹ Robin Respaud and Chad Terhune, “Putting numbers on the rise in children seeking gender care,” *Reuters*, October 6, 2022, <https://www.reuters.com/investigates/special-report/usa-transyouth-data/>.

⁴ Stuart William Jarvis et al., “Epidemiology of gender dysphoria and gender incongruence in children and young people attending primary care practices in England: retrospective cohort study,” *Archives of Disease in Childhood* 110 (2025): 612, doi:10.1136/archdischild-2024-327992.

⁵ Christian J. Bachmann et al., “Gender identity disorders among young people in Germany: Prevalence and trends, 2013–2022. An analysis of nationwide routine insurance data,” *Deutsches Ärzteblatt International* 121 (2024): 370–371, doi:10.3238/arztebl.m2024.0098. “Gender incongruence” as defined by ICD-11 is “characterized by a marked and persistent incongruence between an individual’s experienced gender and the assigned sex.” See “International Classification of Diseases 11th Revision (ICD-11),” World Health Organization, accessed September 9, 2025, <https://icd.who.int/en/>.

risk/benefit profile for the use of chemical or surgical procedures in children to treat gender dysphoria.

B. Medical Evidence Regarding Sex-Rejecting Procedures for Minors

The existing guidelines to support the care of children and adolescents experiencing gender dysphoria around the world vary in their methodological rigor and quality.

On May 1, 2025, the United States Department of Health and Human Services (HHS) released a comprehensive review of the evidence and best practices for promoting the health of children and adolescents diagnosed with gender dysphoria.²⁰ On November 19, 2025, HHS published a final version of the review following conclusion of the peer review process (HHS Review).²¹ The HHS Review, informed by an evidence-based medicine approach, indicated serious concerns about outcomes associated with certain medical interventions, such as puberty blockers, cross-sex hormones, and surgeries, that attempt to transition children and adolescents away from their sex.²² The HHS Review highlights evidence pointing to significant risks associated with the use of these procedures, including irreversible harms such as infertility, and finds extremely weak evidence of benefit. Significantly, the HHS Review finds that the evidence base does not support conclusions about the effectiveness of medical and surgical interventions in improving mental health or reducing gender dysphoria symptoms, stating that “[a]nalysis of the biological plausibility of harms is necessary, and suggests that some short- and long-term harms are likely (in some cases expected) sequelae of treatment.”²³ Likewise, the data considered in the HHS Review indicate that the risk/benefit profile of medical and surgical interventions for children and adolescents diagnosed with gender

dysphoria is unfavorable. While the HHS Review itself does not make clinical, policy, or legislative recommendations, it provides critical insights that should inform policymakers as they make decisions to promote health and safety, especially for vulnerable populations such as minors.

Specifically, the HHS Review conducted an overview of systematic reviews—also known as an “umbrella review”—to evaluate the evidence regarding the benefits and harms of hormonal and surgical interventions for children and adolescents diagnosed with gender dysphoria. Existing systematic reviews of evidence, including several that have informed health authorities in Europe, were assessed for methodological quality. The umbrella review found that the overall quality of evidence concerning the effects of sex-rejecting procedures on psychological outcomes, quality of life, regret, or long-term health, is very low.

Although the HHS Review acknowledges that systematic reviews offer limited evidence regarding the harms of sex-rejecting procedures in minors, it also provides plausible explanations for why evidence of harms may not have been sought, detected or reported. This may be due to several factors: the relatively recent adoption of hormonal and surgical treatment approaches, shortcomings in existing studies in consistently monitoring and reporting adverse effects, and publication bias. Even in the absence of strong evidence from large-scale population studies, the HHS Review notes, based on what is known about human physiology and the effects and mechanisms of the pharmacological agents used, there are known and plausible risks of significant harms from puberty blockers, cross-sex hormones, and surgeries. These include “infertility/sterility, sexual dysfunction, impaired bone density accrual, adverse cognitive impacts, cardiovascular disease and metabolic disorders, psychiatric disorders, surgical complications, and regret.”²⁴

The HHS Review documents the weak evidence and growing international retreat from the use of puberty blockers, cross-sex hormones, and surgeries to treat gender dysphoria in minors²⁵ and the “risk of significant harms.”²⁶ The HHS Review explains that “many treatments (e.g. surgery, hormone therapy) can lead to relatively common and potentially serious long-term

adverse effects.”²⁷ The HHS Review includes a methodologically rigorous assessment of evidence underpinning the use of surgical or endocrine interventions, including puberty blockers and cross-sex hormones, while also drawing on international practice evaluations such as the United Kingdom’s Cass Review, described in more detail below. The HHS Review documents serious concerns regarding the lack of reliable evidence of benefits, and risks of significant harms for this model of care that have mounted in recent years, and points to psychotherapy (talk therapy) as a noninvasive alternative. The HHS Review makes clear that “the evidence for benefit of pediatric medical transition is very uncertain, while the evidence for harm is less uncertain.”²⁸ The HHS Review cites widely accepted principles of medical ethics to conclude that when “medical interventions pose unnecessary, disproportionate risks of harm, healthcare providers should refuse to offer them even when they are preferred, requested, or demanded by patients.”²⁹

We are aware that approximately 17 State Medicaid programs cover sex-rejecting procedures for children, citing guidelines from several major U.S. medical professional associations (American Medical Association, the American Academy of Pediatrics, and the American Psychological Association) who have issued statements deeming sex-rejecting procedures, which they refer to as “gender-affirming care,” safe and effective.^{30 31 32 33} These medical society endorsements further supported adoption of sex-rejecting procedures by clinicians across the U.S. The HHS Review explains why such guidelines, including the WPATH Standards of Care for the Health of Transgender and

²⁷ HHS Review, 230.

²⁸ HHS Review, 15.

²⁹ HHS Review, 15.

³⁰ Stacy Weiner, “States are banning gender-affirming care for minors. What does that mean for patients and providers?,” *AAMCNews*, February 20, 2024, <https://www.aamc.org/news/states-are-banning-gender-affirming-care-minors-what-does-mean-patients-and-providers>.

³¹ “APA adopts groundbreaking policy supporting transgender, gender diverse, nonbinary individuals,” American Psychological Association, released February 28, 2024, <https://www.apa.org/news/press/releases/2024/02/policy-supporting-transgender-nonbinary>.

³² Alyson Sulaski Wyckoff, “AAP continues to support care of transgender youths as more states push restrictions,” *AAP News*, January 6, 2022, <https://publications.aap.org/aapnews/news/19021/AAP-continues-to-support-care-of-transgender>.

³³ “Criminalizing Gender Affirmative Care with Minors,” American Psychological Association, accessed September 2, 2025, <https://www.apa.org/topics/lgbtq/gender-affirmative-care>.

²⁰ HHS Review, 1. “HHS Releases Comprehensive Review of Medical Interventions for Children and Adolescents with Gender Dysphoria,” U.S. Department of Health and Human Services, released May 1, 2025, <https://www.hhs.gov/press-room/gender-dysphoria-report-release.html>.

²¹ “HHS Releases Peer-Reviewed Report Discrediting Pediatric Sex-Rejecting Procedures,” U.S. Department of Health and Human Services, released November 19, 2025, <https://www.hhs.gov/press-room/hhs-releases-peer-reviewed-report-discrediting-pediatric-sex-rejecting-procedures.html>.

²² See “Information Quality Guidelines,” Office of the Assistant Secretary for Planning and Evaluation (ASPE), accessed August 11, 2025, <https://aspe.hhs.gov/topics/data/information-quality-guidelines>; “HHS Information Quality Peer Review,” ASPE, accessed August 11, 2025, <https://aspe.hhs.gov/hhs-information-quality-peer-review>.

²³ HHS Review, 134.

²⁴ HHS Review, 10.

²⁵ HHS Review, 63–65.

²⁶ HHS Review, 10.

Gender Diverse People, Version 8 (SOC-8), are not trustworthy according to accepted standards for evaluating guideline quality. As the HHS Review documents in detail, the creation of SOC-8 marked a “clear departure from the principles of unbiased, evidence-driven clinical guideline development.”³⁴ In the context of developing its recommendations, WPATH suppressed systematic reviews of evidence, failed to manage conflicts of interest, and relied on legal and political considerations rather than clinical ones.³⁵ A recent systematic review of international guideline quality concluded that “[h]ealthcare professionals should consider the lack of quality and independence of available guidance when utilizing this [WPATH and Endocrine Society international guidelines] for practice.”³⁶

1. European Approaches for the Treatment of Pediatric Gender Dysphoria

The HHS Review’s current findings are aligned with conclusions reached by multiple European countries. Sweden, Finland, and the United Kingdom conducted independent systematic reviews of evidence commissioned by their public health authorities. “All three concluded that the risks of medicalization³⁷ may outweigh the benefits for children and adolescents with gender dysphoria at the population level, and subsequently sharply restricted access to medical gender transition interventions for minors.”³⁸

These three countries now recommend exploratory psychotherapy as the first line of treatment. Sweden and Finland reserve hormonal interventions only for exceptional cases, recognizing their experimental status.^{39 40 41}

In particular, the most influential effort to date has been the United Kingdom’s Cass Review—a 4-year independent evaluation of pediatric gender medicine that was published in April 2024.⁴² The findings of the Cass Review led to the closure of the United Kingdom’s Gender Identity Development Service (GIDS), which had been given a rating of “inadequate” by the Care Quality Commission in 2021. The Cass Review recommended a restructuring of the care delivery model—away from the centralized “gender clinic” model of care toward a more holistic framework centering on psychosocial support, to be delivered through regional hubs. The Cass Review’s findings also led the United Kingdom to ban the use of puberty blockers outside of clinical trials, and to significantly restrict cross-sex hormones. While cross-sex hormones are still officially an available treatment, the National Health Service (NHS) recently revealed that since the Cass Review was published, no minor has been found eligible to receive cross-sex

https://cass.independent-review.uk/wp-content/uploads/2022/09/20220726_Evidence-review_GnRH-analogues_For-upload_Final.pdf; I. Pasternack et al., “Lääketieteelliset menetelmät sukupuolivariaatioihin liittyvän dysforian hoidossa: Systemaattinen katsaus [Medical approaches to treating gender dysphoria: A systematic review],” *Summeryx Oy* (2019); Jo Taylor et al., “Interventions to suppress puberty in adolescents experiencing gender dysphoria or incongruence: A systematic review,” *Archives of Disease in Childhood* 109, Supp 2 (2024): s33–s47, doi:10.1136/archdischild-2023–326669; Jo Taylor et al., “Masculinising and feminising hormone interventions for adolescents experiencing gender dysphoria or incongruence: A systematic review,” *Archives of Disease in Childhood* 109, Supp 2 (2024): s48–s56, doi:10.1136/archdischild-2023–326670.

³⁹ “Children and young people’s gender services: implementing the Cass Review recommendations,” NHS England, last updated August 29, 2024, <https://www.england.nhs.uk/long-read/children-and-young-peoples-gender-services-implementing-the-cass-review-recommendations/>.

⁴⁰ “Care of children and adolescents with gender dysphoria—summary of national guidelines,” The Swedish National Board of Health and Welfare (Socialstyrelsen), December 2022, <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/kunskapsstod/2023-1-8330.pdf>.

⁴¹ “One Year Since Finland Broke with WPATH ‘Standards of Care,’” Society for Evidence Based Gender Medicine, July 2, 2021, https://segm.org/Finland_deviates_from_WPATH_prioritizing_psychotherapy_no_surgery_for_minors.

⁴² Hilary Cass, “Independent review of gender identity services for children and young people: Final report,” (2024), <https://cass.independent-review.uk/home/publications/final-report/>.

hormones according to the updated policy. In the United Kingdom, minors have never received gender dysphoria-related surgery through the NHS.

In 2022, Sweden’s National Board of Health and Welfare (NBHW) reviewed and updated its guidelines for minors under the age of 18. Sweden’s NBHW determined that the risks of puberty suppressing treatment with GnRH-analogues (injectable drugs that prevent the ovaries and testicles from producing sex hormones) and gender-affirming hormonal treatment likely outweigh the possible benefits.⁴³ Specifically, Sweden’s NBHW outlined that the first line of treatment should be mental health support and exploratory psychological care. Hormonal interventions can be a last resort measure for some youth. Sweden has made the decision to no longer offer gender transition [sex-rejecting procedures] to minors outside of research settings, and restricted eligibility to the early childhood-onset of gender dysphoria.

In 2020, Finland’s Council for Choices in Health Care, a monitoring agency for the country’s public health services, issued guidelines that called for psychosocial support as the first line treatment, hormone therapy on a case-by-case basis after careful consideration, and no surgical treatment for minors. Finland has restricted eligibility for hormone therapy to minors with early childhood-onset of gender dysphoria and no mental health comorbidities.⁴⁴

In Denmark, more than 1300 minors with gender incongruence were “referred to the national service between 2016 and 2022 with increasing referral numbers over time,” of which females constituted 70 percent.⁴⁵ The

⁴³ “Care of children and adolescents with gender dysphoria—summary of national guidelines,” The Swedish National Board of Health and Welfare (Socialstyrelsen), December 2022, <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/kunskapsstod/2023-1-8330.pdf>. See also the Swedish National Board of Health and Welfare (Socialstyrelsen), “Care of children and young people with gender Dysphoria—national knowledge support with recommendations for the profession and decision makers,” (2022), <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/kunskapsstod/2022-12-8302.pdf>.

⁴⁴ Council for Choices in Healthcare in Finland, “Summary of a recommendation by COHERE Finland,” June 16, 2020, [https://palveluvalikoima.fi/documents/1237350/22895008/Summary_minors_en+\(1\).pdf/fa2054c5-8c35-8492-59d6-b3de1c00de49/Summary_minors_en+\(1\).pdf?i=1631773838474](https://palveluvalikoima.fi/documents/1237350/22895008/Summary_minors_en+(1).pdf/fa2054c5-8c35-8492-59d6-b3de1c00de49/Summary_minors_en+(1).pdf?i=1631773838474).

⁴⁵ Nanna Ravnborg et al., “Gender Incongruence in Danish Youth (GenDa): A Protocol for a Retrospective Cohort Study of Danish Children and Adolescents Referred to a National Gender Identity Service,” *Journal of Clinical Medicine* 13 (2024), <https://doi.org/10.3390/jcm13226658>.

³⁴ HHS Review, 181.

³⁵ HHS Review, 182.

³⁶ Jo Taylor et al., “Clinical guidelines for children and adolescents experiencing gender dysphoria or incongruence: a systematic review of guideline quality (part 1),” *Archives of Disease in Childhood* 109, Supp. 2 (2024): s65–s72, doi:10.1136/archdischild-2023–326499.

³⁷ “Medicalization” means “the act of considering something to be a medical problem, or representing it as a medical problem.” Cambridge Dictionary, accessed August 8, 2025, <https://dictionary.cambridge.org/us/dictionary/english/medicalization>. This definition is based on a plain meaning approach and note that the authors of the study did not otherwise supply a specific definition for the term.

³⁸ HHS Review, 255. See Jonas F. Ludvigsson et al., “A systematic review of hormone treatment for children with gender dysphoria and recommendations for research,” *Acta Paediatrica* 112, no. 11 (2023): 2279–2292, <https://doi.org/10.1111/apa.16791>; National Institute for Health and Care Excellence (NICE), “Evidence Review: Gender Affirming Hormones for Children and Adolescents with Gender Dysphoria,” (2020), https://cass.independent-review.uk/wp-content/uploads/2022/09/20220726_Evidence-review_Gender-affirming-hormones_For-upload_Final.pdf; National Institute for Health and Care Excellence (NICE), “Evidence Review: Gonadotrophin Releasing Hormone Analogues for Children and Adolescents with Gender Dysphoria,” (2020),

increase in the number of referrals for these procedures and reports of regret or reversal of hormone-induced changes to the body led Denmark to take an approach that focuses on assessment and psychosocial support for minors, and postpones decisions on hormone therapy, including puberty blockers and cross-sex hormones, in circumstances “when gender incongruence has been brief,” such as “when there are concerns about the stability of the experienced gender identity.”⁴⁶

In Norway, the Norwegian Commission for the Investigation of Health Care Services (UKOM), an independent State-owned agency, made recommendations in 2023 on the treatment offered to children and young people with gender incongruence.⁴⁷ The recommendations consisted of: defining puberty blockers and surgical treatment for children as experimental, revising national guidelines based on a systematic knowledge summary, and consideration for a national registry to improve quality and reduce variation in patient treatment. Norway’s public health authority has signaled an intention to respond to UKOM’s concerns by considering whether the current treatment guidelines need to be adjusted.⁴⁸

Other countries which have restricted various approaches to treatment for minors (or have contemplated restrictions) include: New Zealand,⁴⁹ Italy,⁵⁰ Brazil,⁵¹ and Australia.⁵²

⁴⁶ Ravnborg et al., “Gender Incongruence in Danish Youth (GenDa).”

⁴⁷ Norwegian Healthcare Investigation Board (Ukom), “Pasientsikkerhet for barn og unge med kjønnsinkongruens [Patient safety for children and adolescents with gender incongruence],” March 2023, <https://ukom.no/rapporter/pasientsikkerhet-for-barn-og-unge-med-kjønnsinkongruens/sammendrag>.

⁴⁸ Jennifer Block, “Norway’s guidance on paediatric gender treatment is unsafe, says review,” *BMJ* 380 (2023), doi:10.1136/bmj.p697.

⁴⁹ Eva Corlett, “New Zealand bans puberty blockers for young transgender people,” *The Guardian*, November 19, 2025, <https://www.theguardian.com/world/2025/nov/19/new-zealand-bans-new-prescriptions-of-puberty-blockers-for-young-transgender-people>.

⁵⁰ Alvise Armellini, “Italy moves to tighten controls on gender-affirming medical care for minors,” *Reuters*, August 5, 2025, <https://www.reuters.com/business/healthcare-pharmaceuticals/italy-moves-tighten-controls-gender-affirming-medical-care-minors-2025-08-05/>.

⁵¹ AFP, “Brazil prohibits hormone therapy for transgender minors,” *MSN News*, April 20, 2025, <https://www.msn.com/en-in/news/other/brazil-prohibits-hormone-therapy-for-transgender-minors/ar-AA1D6617>.

⁵² Australian Associated Press, “Queensland halts prescription of puberty blockers and hormones for children with gender dysphoria,” *The Guardian*, January 28, 2025, <https://www.theguardian.com/australia-news/2025/jan/28/queensland-halts-prescription-of-puberty-blockers-and-hormones-for-children-with-gender-dysphoria>.

In sum, there is growing international concern about the use of hormonal and surgical interventions for pediatric gender dysphoria. We are aware that some medical associations have endorsed sex-rejecting procedures, but as the HHS Review makes clear, their endorsement is not based on sound principles of evidence-based medicine. In addition to other issues, we solicit comment of any published findings that measure the effects of similar restrictions as proposed on insurers, providers, and patients in these countries.

2. Medical Professional Societies Supporting Sex-Rejecting Procedures

We are aware that numerous organizations⁵³ (including the American Medical Association (AMA),⁵⁴ the American Academy of Pediatrics (AAP),⁵⁵ and the American Psychological Association^{56,57}) have issued statements supporting access to sex-rejecting procedures, including for minors. The most influential sources of clinical guidance for treating pediatric gender dysphoria in the U.S. are the WPATH and the ES clinical practice guidelines and the AAP guidance document. We reviewed each of these documents and agree with the conclusions of a recent systematic review of international guideline quality by researchers at the University of York (the York appraisal) that found all three documents as very low quality and should not be implemented.⁵⁸

As the HHS Review notes regarding the role of medical organizations in the treatment of pediatric gender medicine:

U.S. medical associations played a key role in creating a perception that there is professional consensus in support of pediatric medical transition

⁵³ “Medical Organization Statements,” Advocates For Trans Equality’s Trans Health Project, accessed November 20, 2025, <https://transhealthproject.org/resources/medical-organization-statements/>.

⁵⁴ “Clarification of Evidence-Based Gender-Affirming Care H-185.927,” American Medical Association, last modified 2024, <https://policysearch.ama-assn.org/policyfinder/detail/%22Clarification%20of%20Evidence-Based%20Gender-Affirming%20Care%22?uri=%2FAMADoc%2FHOD-185.927.xml>.

⁵⁵ Alyson Sulaski Wyckoff, “AAP continues to support care of transgender youths as more states push restrictions,” *AAP News*, January 6, 2022, <https://publications.aap.org/aapnews/news/19021/AAP-continues-to-support-care-of-transgender>.

⁵⁶ “APA adopts groundbreaking policy supporting transgender, gender diverse, nonbinary individuals,” American Psychological Association, released February 28, 2024, <https://www.apa.org/news/press/releases/2024/02/policy-supporting-transgender-nonbinary>.

⁵⁷ “Criminalizing Gender Affirmative Care with Minors,” American Psychological Association, accessed September 2, 2025, <https://www.apa.org/topics/lgbtq/gender-affirmative-care>.

⁵⁸ HHS Review, 141.

(PMT). This apparent consensus, however, is driven primarily by a small number of specialized committees, influenced by WPATH. It is not clear that the official views of these associations are shared by the wider medical community, or even by most of their members. There is evidence that some medical and mental health associations have suppressed dissent and stifled debate about this issue among their members.⁵⁹

The Endocrine Society (ES) issued clinical practice guidelines in 2017 entitled “Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons.”⁶⁰ As the HHS Review notes:

In WPATH and ES guidelines, the principal goal of CSH administration [cross sex hormone] is to induce physical characteristics typical of the opposite sex. When hormone levels rise beyond the typical reference range for a person’s sex, they are considered supraphysiologic. ES guidelines suggest that the sex an individual identifies as—as opposed to their biological sex—should determine the target reference range for hormonal concentrations. Critics have argued that perceived identity does not alter physiological processes and that such a belief can result in inappropriate and potentially dangerous hormone dosing.⁶¹

The HHS Review states:

The ES 2017 guideline, which used the GRADE [Grading of Recommendations Assessment, Development and Evaluation] framework, has been criticized for making strong recommendations for hormonal interventions in the setting of a weak evidence base. Notably, none of the systematic reviews that supported the ES guidelines were based on outcomes for children or adolescents. The ES recommendation to initiate puberty blockade using gonadotropin-releasing hormone agonists was derived by putting a higher value on achieving a “satisfactory physical appearance” while putting the lowest value on avoiding physical harms. The ES recommendation for the initiation of cross-sex hormones no earlier than age 16 was justified by placing a higher value on adolescent’s purported ability to meaningfully consent to cross-sex hormones (CSH) and placing a lower

⁵⁹ HHS Review, 15.

⁶⁰ Wylie C. Hembree et al., “Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline,” *The Journal of Clinical Endocrinology & Metabolism* 102, no. 11 (2017): 3869–3903, <https://doi.org/10.1210/clinem.2017-01658>.

⁶¹ HHS Review, 124.

value on avoiding harm from potentially prolonged pubertal suppression.⁶²

As explained in Chapter 9 of HHS Review, the guidelines issued by the World Professional Association for Transgender Health (WPATH) “have been rated among the lowest in quality and have not been recommended for implementation by systematic reviews (SRs) of guidelines.”⁶³ As the HHS Review points out: “Despite their lack of trustworthiness, for more than a decade WPATH guidelines have served as the foundation of the healthcare infrastructure for gender dysphoric (GD) youth in the United States. The WPATH Standards of Care guidelines are embedded in nearly all aspects of healthcare including clinical education, delivery of care, and reimbursement decisions by private and public insurers.”⁶⁴ In 2022, WPATH issued guidelines entitled “Standards of Care for the Health of Transgender and Gender Diverse People, Version 8” (SOC-8).⁶⁵ These guidelines relaxed eligibility criteria for children to access sex-rejecting procedures, and ultimately recommend that adolescents wishing to undergo sex-rejecting procedures receive them. Besides the problems identified in systematic reviews of international guidelines, as the HHS Review states, “in the process of developing SOC-8, WPATH suppressed systematic reviews its leaders believed would undermine its favored treatment approach. SOC-8 developers also violated conflict of interest management requirements and eliminated nearly all recommended age minimums for medical and surgical interventions in response to political pressures.”⁶⁶

The HHS Review goes on to explain: “The recommendations are couched in cautious-sounding language, stating that GD should be ‘sustained over time,’ particularly before administering CSH. However, no clear standard is set; the only guidance offered is the vague and clinically meaningless phrase ‘several years, leaving critical decisions open to broad and subjective interpretation.’”⁶⁷

Regarding the WPATH guidelines, the HHS review states:

On the surface, WPATH SOC-8 might appear to recommend a cautious approach toward assessment. Mental health providers are to conduct a “comprehensive biopsychosocial assessment” prior to initiating medical interventions in order “to understand

the adolescent’s strengths, vulnerabilities, diagnostic profile, and unique needs to individualize their care.” At the same time, however, WPATH recommends that clinicians use the International Classification of Diseases (ICD-11) diagnosis of “Gender Incongruence of Adolescence and Adulthood,” which, unlike the DSM-5 diagnosis of “Gender Dysphoria,” requires only “marked and persistent incongruence between an individual’s experienced gender and the assigned sex.” Because SOC-8 defines transgender in a similar way (“people whose gender identities and/or gender expressions are not what is typically expected for the sex to which they were assigned at birth”) and provides no meaningful distinction between this meaning of transgender and gender non-conformity, SOC-8 effectively recognizes transgender identification as a medical condition justifying medical interventions.⁶⁸

The HHS Review also argues: “Although WPATH’s guidelines do not necessarily discourage mental healthcare, they likewise do not require it as a precondition for PMT [pediatric medical transition]. Some guideline authors opposed even minimal requirements for mental health support, arguing that such provisions were analogous to ‘conversion therapy.’” SOC-8’s only formal recommendation is for a “comprehensive biopsychosocial assessment,” although WPATH emphasizes that its guideline is “flexible,” thereby leaving room for considerable variation in clinical practice.”⁶⁹

While AMA and the AAP have not issued their own treatment guidelines, they support the ES and WPATH guidelines, as discussed previously in this proposed rule. AAP issued a policy statement in 2018 supporting the use of puberty blockers, cross-sex hormones, and surgeries for minors.⁷⁰ In support of sex-rejecting surgeries, AAP stated that while “current protocols [(ES, WPATH)] typically reserve surgical interventions for adults, they are occasionally pursued during adolescence on a case-by-case basis, considering the necessity and benefit to the adolescent’s overall health and often including multidisciplinary input from medical, mental health, and

surgical providers as well as from the adolescent and family.” The AAP reaffirmed its policy statement in 2023, but also stated that it was conducting its own review of the evidence and guideline development—which still have not been released.⁷¹ Regarding the AAP policy statement, the HHS Review states:

The AAP 2018 policy statement is not technically a CPG [clinical practice guideline] but has been widely cited in the U.S. as influential in establishing how pediatricians respond to children and adolescents with GD. Because the document offers extensive clinical recommendations regarding every step of PMT—from social transition to PBs [puberty blockers], CSH, and surgery—the York team assessed the trustworthiness of the AAP guidance using the same criteria they applied to CPGs. Using the AGREE II criteria, the AAP policy statement received the second-lowest average score among all international guidelines: 2 out of 7. As noted in Chapter 2, the AAP’s policy statement’s use of “gender diverse” casts a very wide net regarding which patients the organization considers eligible for medical intervention. The statement has been heavily criticized in peer-reviewed articles, which have pointed out that it is rife with referencing errors and inaccurate citations. Despite persistent advocacy among its members, who have petitioned the organization to release updated, evidence-based guidance for treating pediatric GD, the organization chose to reaffirm their policy statement in 2023.⁷²

In addition to other issues, we solicit comment of any published peer-reviewed findings that measure the effects of restrictions similar to those in this proposed rule on insurers, providers, and patients in international settings as well as the U.S.

C. United States’ State Bans of and Coverage of Sex-Rejecting Procedures

State lawmakers have adopted policy positions reflecting the emerging evidence of sex-rejecting procedures administered to youth. There are 27 States and one Territory that have enacted laws restricting sex-rejecting procedures.⁷³ These include Alabama,

⁶² HHS Review, 194–195.

⁶³ HHS Review, 196.

⁶⁴ Jason Rafferty, AAP Committee on Psychosocial Aspects of Child and Family Health, AAP Committee on Adolescence, AAP Section on Lesbian, Gay, Bisexual, and Transgender Health and Wellness, “Ensuring Comprehensive Care and Support for Transgender and Gender Diverse Children and Adolescents,” *Pediatrics* 142, no. 4 (2018), doi.org/10.1542/peds.2018-2162.

⁷¹ Alyson Sulaski Wyckoff, “AAP reaffirms gender-affirming care policy, authorizes systematic review of evidence to guide update,” *AAP News*, August 4, 2023, <https://publications.aap.org/aapnews/news/25340/AAP-reaffirms-gender-affirming-care-policy>.

⁷² HHS Review, 148–149.

⁷³ See “Policy Tracker: Youth Access to Gender Affirming Care and State Policy Restrictions,” KFF, Continued

⁶² HHS Review, 147.

⁶³ HHS Review, 157.

⁶⁴ HHS Review, 157.

⁶⁵ E. Coleman et al., “Standards of Care.”

⁶⁶ HHS Review, 14.

⁶⁷ HHS Review, 165.

Arkansas, Arizona, Florida, Georgia, Iowa, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Montana, North Carolina, New Hampshire,⁷⁴ North Dakota, Nebraska, Ohio, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming. As of August 8, 2025, some of these States have ongoing litigation proceedings impacting whether the State laws are partially or fully enjoined by a court.

There are a mix of age ranges for these bans. Of the 28 States and Territories with enacted laws/policies (in effect or not), 25 States prohibit some sex-rejecting procedures to young people under the age of 18, two States prohibit them for those under the age of 19, and Puerto Rico prohibits them for those under the age of 21.

Of the 24 States and one Territory with restriction statutes in effect as of August 8, 2025, 21 States and one Territory prohibit *both* the prescribing of at least one type of sex-rejecting medication *and* surgeries.⁷⁵ No State bans only medications without also banning surgeries. However, all the States and the Territory with restrictions provide exceptions to the law/policies. The most common exceptions include procedures to treat:

- A medically verifiable disorder of sexual development. This allows treatment for children who are born with medical conditions that affect their sexual development. These are rare conditions where a child's reproductive or sexual anatomy does not develop in typical ways due to genetic, hormonal, or other medical factors that can be medically verified.
- Any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures.
- A physical disorder, physical injury, or physical illness that would otherwise place the minor in danger of death or impairment of bodily function.

last updated June 18, 2025, <https://www.kff.org/other/dashboards/gender-affirming-care-policy-tracker>; "Equality Maps: Bans on Best Practice Medical Care for Transgender Youth," Movement Advancement Project, accessed August 11, 2025, https://www.lgbtmap.org/equality-maps/healthcare/youth_medical_care_bans.

⁷⁴ New Hampshire's laws go into effect January 1, 2026 under NH HB712 and NH HB377.

⁷⁵ Arizona and New Hampshire currently do not prohibit sex-rejecting procedures using medications; however, New Hampshire has a new policy (NH HB377) taking effect January 1, 2026, that would restrict sex-rejecting procedures using medications for minors. Nebraska currently restricts, but does not fully ban, access to sex-rejecting procedures using medications, so it was not included in this count.

We note that 12 States provide tapering off periods for patients who started puberty blockers or hormones before enactment of the State restriction, with some specifying specific dates (for example, in South Carolina services cannot go beyond January 31, 2025) and others specifying a period of time from the time of enactment (ranging between 6 months and 1 year). Ten States have grandfather clauses primarily allowing minors who were already receiving treatment to continue receiving it indefinitely. However, we note that many of these States do not provide such exceptions or grandfather clauses for purposes of prohibitions on State funding, including for State funding under the Medicaid program and CHIP, for sex-rejecting procedures.

Conversely, 14 States and the District of Columbia have shield laws protecting some or all sex-rejecting procedures, and three States have executive orders (State EOs) protecting these procedures. These States are Arizona,⁷⁶ California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington. Shield laws and State E.O.s often describe various types of sex-rejecting procedures broadly, including medications and surgeries, and include these under broader definitions of protected health care activities. These laws and State E.O.s generally attempt to shield providers and recipients (of all ages) against laws in other States that restrict these services. They also often protect providers from adverse action by medical malpractice insurers and licensure boards and allow for their address to remain confidential. One State, Maine, has a shield law specific to minors that allows minors 16 and over to receive hormone therapy when the guardian has refused sex-rejecting procedures. Four States explicitly provide child abuse and child custody protections for parents who supported their children in receiving sex-rejecting procedures. Four States have requirements for sex-rejecting procedures to be covered under health plans. Arizona requires coverage for State employee health plans. Illinois, Oregon, and Vermont require some level

⁷⁶ Arizona banned pediatric sex-rejecting surgeries in 2022. However, in 2023 the governor issued an executive order which removes the exclusion of coverage for sex-rejecting surgery under the state's healthcare plan for state employees and prohibits investigative assistance to impose criminal or civil liability or professional sanctions on persons or entities for providing, assisting, seeking, or obtaining gender affirming care.

of coverage of sex-rejecting procedures by all health insurance providers. Vermont includes an exception for services that do not comply with Federal law.

Some States may experience negative financial impacts as a result of having built their Medicaid programs and CHIPs, including policies and operations, on the understanding that we would make Federal Medicaid and CHIP payments to States for services that this proposed rule would define as sex-rejecting procedures. We believe protecting children enrolled in Medicaid and CHIP from the harms of sex-rejecting procedures, including possible long-term and irreversible harms, outweighs the possible financial costs some States may experience if they begin to pay with State funds the full cost of sex-rejecting procedures for children enrolled in Medicaid and CHIP.

Providers in these States may be concerned that this proposed regulation would interfere with the physician-patient relationship. This proposed regulation would only prohibit Federal Medicaid and CHIP payment for certain services and does not require providers to communicate certain advice or information to patients. Federal Medicaid and CHIP payments will still be available for mental health counseling and psychotherapy for gender dysphoria. We believe a prohibition on Federal Medicaid and CHIP payments for sex-rejecting procedures is needed to avoid the possibility of minors receiving irreversible or risky pharmaceutical or surgical interventions, particularly in circumstances where the minor may be of an age to not have the capacity to understand the irreversible or long-term risks of these procedures or have the capacity to continue to communicate with providers their preferences regarding treatment after treatment has already begun.

Certain medical providers may also be relying on continued Federal funding for sex-rejecting procedures. These providers may face financial harm by the loss of the revenue from the proposed limitations on Federal payment for these procedures; however, these providers have other avenues to continue to receive compensation for providing medical care. Providers may continue to receive payment for pharmaceutical or surgical interventions for purposes of aligning a child's physical appearance or body with an asserted identity that differs from the child's sex from sources other than Medicaid or CHIP. Providers may also receive payment for these services when

providing these procedures for the exempted purposes as outlined in the proposed rule. Lastly, providers may be paid through Medicaid and CHIP for providing other types of care for individuals diagnosed with gender dysphoria, such as psychotherapy.

We also recognize that Medicaid and CHIP beneficiaries and their families would be impacted by this proposed rule. Families of these beneficiaries may look to obtain other health insurance or privately pay for these services. Medicaid and CHIP beneficiaries who are unable to find alternative means to pay for these services may either have to rely on other methods of intervention such as psychotherapy or mental health counseling, or never begin receiving these services because of this proposed rule, if finalized. We are concerned about the difficulties that these minors may experience and encourage other, less invasive, ways to support these individuals, such as encouraging psychotherapy as a first line of treatment.

This proposed rule would help to protect these children from the risks of adverse effects of sex-rejecting procedures. CMS carefully considered the scope of its limitation on Federal Medicaid and CHIP payments and permits coverage of other procedures, such as psychotherapy, which does not carry the same concerns of pharmaceutical or surgical interventions included in the definition of sex-rejecting procedures. Moreover, CMS does not believe Federal Medicaid and CHIP payment for these sex-rejecting procedures is consistent with quality of care given the state of the research into the effectiveness of these procedures for the purposes included in our proposed definition of this term, namely as treatments for gender dysphoria. In light of the HHS Review, CMS believes State reliance on certain medical organizations and the SOC-8 to justify covering sex-rejecting procedures is misplaced.

In addition to other issues, we solicit comment on any published studies or findings that measure the effects of similar restrictions as proposed (or laws protecting these procedures) on insurers, providers, and patients in these States.

Recently, the U.S. Supreme Court in *United States v. Skrametti*, 605 U.S. 495 (2025), upheld Tennessee's law restricting certain surgical and chemical interventions for minors diagnosed with gender dysphoria (and similar conditions), referred to as Senate Bill 1 or "SB1" in litigation challenging that law under the Equal Protection Clause of the U.S. Constitution. SB1 prohibits

a healthcare provider from performing medical procedures, including surgery, and prescribing puberty blockers, for a minor for the purpose of enabling the minor to identify with a purported identity inconsistent with the minor's sex. At the same time, SB1 allows healthcare providers to perform medical procedures for minors if the procedure is to treat a minor's congenital defect, precocious puberty, disease, or physical injury. On June 18, 2025, the Court found that SB1's prohibition of certain medical procedures for minors diagnosed with gender dysphoria incorporates classifications based on age and medical use—not the minor's sex. Because the classifications turned on age and medical use rather than sex, the Court held that SB1 was not subject to heightened scrutiny under the Equal Protection Clause of the Fourteenth Amendment and went on to find the law satisfied rational basis review. As discussed in more detail later in this proposed rule, like the law at issue in *Skrametti*, this proposed rule would not discriminate on the basis of sex and it is not based on an invidious discriminatory purpose. The proposed rule is animated by significant child safety concerns when sex-rejecting procedures are used for certain medical uses—that is to align a child's physical appearance or body with an asserted identity that differs from the child's sex.

D. Psychotherapy as the First Line Treatment for Children Diagnosed With Gender Dysphoria

Since 2010, there has been a significant increase in mental health conditions among teens and young adults.⁷⁷ Current research has not revealed a simple explanation for this rise in the need for youth mental health services. The etiology of gender dysphoria remains understudied.⁷⁸ However, patients presenting to pediatric gender medicine clinics have a high rate of comorbid mental health conditions.⁷⁹

We believe interested parties supporting the use of sex-rejecting procedures to treat gender dysphoria in children may state that limiting access to these treatments (which prohibiting Federal Medicaid and CHIP funding for them could do) will exacerbate these comorbidities and lead to adverse mental health outcomes and increase suicide risks. As noted previously, the Cass Review emphasized the lack of

robust evidence regarding the effectiveness of interventions such as puberty blockers and cross-sex hormones to treat gender dysphoria and incongruence in children and adolescents.⁸⁰ Taylor et al. recently conducted a review of 23 international, national, and regional clinical guidelines that contained recommendations about the management of children/adolescents experiencing gender dysphoria. They found that the majority of these guidelines were developed without an independent or evidence-based approach and raised questions about the credibility of available guidance.⁸¹ As Sweden's national health authority has recommended, "[p]sychosocial support that helps adolescents deal with natal puberty without medication needs to be the first option when choosing care measures."⁸²

While evidence on the benefits of medical and surgical interventions to improve mental health or reduce symptoms of gender dysphoria is lacking, psychotherapy has been proven to be an effective intervention for many of the neurodevelopmental disorders and mental health conditions that are highly prevalent in children and adolescents, including those frequently co-occurring in patients diagnosed with gender dysphoria.⁸³ Psychotherapy and mental health counseling are non-invasive interventions that would remain available to youth under Medicaid's mandatory Early and Periodic Screening, Diagnostic and Treatment (EPSDT) provisions in section 1905(r) of the Act. EPSDT requires the provision of screening, vision, dental, and hearing services, and such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Act to correct or ameliorate defects and physical and mental illness and conditions discovered by the screening services, whether or not such services are covered under the State plan. Most children enrolled in Medicaid are entitled to coverage of robust and comprehensive psychotherapy services under EPSDT. We note that under a State's EPSDT program, States may only include tentative limits on services and must take into account the individual needs of the child. Thus, EPSDT is key

⁸⁰ Cass, "Cass Review."

⁸¹ Jo Taylor et al., "Clinical guidelines for children and adolescents experiencing gender dysphoria or incongruence: a systematic review of guideline quality (part 1)," *Archives of Disease in Childhood* 109, Supp. 2 (2024): s65-s72, doi:10.1136/archdischild-2023-326499.

⁸² HHS Review, 256.

⁸³ HHS Review, 257–260.

⁷⁷ Patrick McGorry et al., "The Lancet Psychiatry Commission on youth mental health," *Lancet Psychiatry* 11, no. 9 (September 2024): 731–774, doi:10.1016/S2215-0366(24)00163-9.

⁷⁸ HHS Review, 257.

⁷⁹ HHS Review, 68.

to ensuring that children receive appropriate mental health screenings and treatments. Furthermore, we have developed numerous resources to provide information regarding services and good practices for children and youth with mental health conditions.⁸⁴ While EPSDT is not a required CHIP benefit for States that have separate CHIPs, many States with such programs have opted to provide EPSDT services that mirror the Medicaid standards set out at section 1905(r) of the Act to children enrolled in CHIP. In addition, section 2103(c)(7) of the Act requires States to provide mental health services in CHIP that are applied in the same manner as required under section 2726(a) of the Public Health Service Act [(42 U.S.C. 300gg-26(a))] for group health plans under such section.

E. States' Duty To Ensure Medicaid and CHIP Services for Children Are Consistent With Quality of Care and the Best Interests of Beneficiaries

Under section 1902(a)(19) of the Act, State Medicaid agencies are required to ensure that Medicaid-covered services are in the best interests of beneficiaries; as relevant to this proposed rule, children under age 18. Additionally, States are required, under section 1902(a)(30)(A) of the Act, to ensure that Medicaid payments for Medicaid covered services are consistent, in relevant part, with quality of care. Under section 2101(a) of the Act, CHIP programs are required to provide health care services to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children, including State Medicaid programs. The research described previously in this proposed rule indicates that sex-rejecting procedures lack the necessary outcomes data to reasonably rely on for evidence of long-term effectiveness.

On April 11, 2025, we issued a letter to State Medicaid Directors to ensure Medicaid agencies were aware of growing utilization of certain interventions offered to children to treat gender dysphoria, and to remind States of their statutory responsibilities to ensure that Medicaid payments are consistent with quality of care and that covered services are provided in a manner consistent with the best interests of recipients.⁸⁵ In the letter, we

also stated that due to the underdeveloped body of evidence, the use of sex-rejecting procedures to treat gender dysphoria lacks reliable evidence of long-term benefits for minors and are now known to cause long-term and irreparable harm for some children.⁸⁶ A second letter, issued on May 28, 2025, was sent to a number of hospitals to address significant issues concerning quality standards and specific procedures affecting children diagnosed with gender dysphoria. The letter requested hospitals to provide information on their policies and procedures related to the adequacy of informed consent protocols for children diagnosed with gender dysphoria, including how children are deemed capable of making these potentially life changing decisions and when parental consent is required; changes to clinical practice guidelines and protocols that the institution plans to enact in light of the recent comprehensive review and guidance released by the Department; medical evidence and any adverse events related to these procedures, particularly children who later look to detransition; and complete financial data for all pediatric sex-rejecting procedures performed at the institution and paid, in whole or in part, by the Federal Government.⁸⁷

As outlined previously in this proposed rule, we take very seriously the absence of rigorous scientific data demonstrating the effectiveness of sex-rejecting procedures and the considerable evidence regarding the risks. Given the potential risks and lack of clear benefits associated with sex-rejecting procedures, we believe that covering them with Federal Medicaid or CHIP funding would be, for Medicaid beneficiaries, inconsistent with their best interests and with quality of care; and, for CHIP beneficiaries, inconsistent with the provision of health care services to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage. In this section, we describe how this proposed rule would intersect with existing statutory and regulatory provisions.

⁸⁴ "Children and Youth," Medicaid, accessed June 12, 2025, <https://www.medicaid.gov/medicaid/benefits/behavioral-health-services/children-and-youth>.

⁸⁵ CMS, "Puberty Blockers," April

⁸⁶ CMS, "Puberty Blockers, Cross-sex Hormones, and Surgery Related to Gender Dysphoria," April 11, 2025, <https://www.cms.gov/files/document/letter-stm.pdf>.
⁸⁷ Department of Health & Human Services, Centers for Medicare and Medicaid Services, Urgent Review of Quality Standards and Gender Transition Procedures, May 28, 2025, www.cms.gov/files/document/hospital-oversight-letter-generic.pdf.

1. Intersection With Nondiscrimination (Section 1557 of the Patient Protection and Affordable Care Act)

This proposed rule is not a form of sex discrimination in violation of section 1557 of the Patient Protection and Affordable Care Act (Affordable Care Act).⁸⁸ Section 1557 of the Affordable Care Act prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in health programs or activities, any part of which is receiving Federal financial assistance.

A Federal court recently considered the question of whether the prohibition on sex discrimination found in section 1557 of the Affordable Care Act includes discrimination on the basis of gender identity. On October 22, 2025, in *State of Tennessee et al v. Kennedy et al*,⁸⁹ the district court declared that "HHS exceeded its statutory authority when (1) it interpreted Title IX, as incorporated into Section 1557, to prohibit discrimination on the basis of gender identity, and (2) when it implemented Section 1557 regulations concerning gender identity and 'gender affirming care.'" Accordingly, the Court vacated the following regulations to the extent that they expand Title IX's definition of sex discrimination to include gender-identity discrimination: 42 CFR 438.3(d)(4), 438.206(c)(2), 440.262, 460.98(b)(3), and 460.112(a), and 45 CFR 92.101(a)(2)(iv), 92.206(b)(1)–(4), § 92.207(b)(3) through (5), 92.8(b)(1), 92.10(a)(1)(i), and 92.208.⁹⁰

⁸⁸ The Patient Protection and Affordable Care Act (Pub. L. 111–148, 124 Stat. 119) was enacted on March 23, 2010. The Healthcare and Education Reconciliation Act of 2010 (Pub. L. 111–152, 124 Stat. 1049), which amended and revised several provisions of the Patient Protection and Affordable Care Act, was enacted on March 30, 2010. In this rulemaking, the two statutes are referred to collectively as the "Patient Protection and Affordable Care Act," "Affordable Care Act," or "ACA".

⁸⁹ *Tennessee v. Kennedy*, ---F. Supp. 3d---, 1:24CV161–LG–BWR, 2025 WL 2982069 (S.D. Miss. Oct. 22, 2025).

⁹⁰ As part of a 2024 rulemaking implementing section 1557 of the Affordable Care Act, HHS amended 42 CFR 440.262, 438.3(d) and 438.206(c)(2) to specifically include discrimination based on "gender identity" as a form of "sex discrimination," and amended 42 CFR 457.495 to cross-reference amended 440.262. The amendments to sections 438.3(d) and 438.206(c)(2) also apply to CHIP managed care through cross references in §§ 457.1201(d) and 457.1230(a) that predated the section 1557 rulemaking. These amendments to the Medicaid and CHIP rules were based on sections 1902(a)(4), 1902(a)(19), and 2101(a) of the Act. See Nondiscrimination in Health Programs and Activities, 89 FR 37522 (May 6, 2024). In *Tennessee v. Kennedy*, ---F. Supp. 3d---, 1:24CV161–LG–BWR, 2025 WL 2982069 (S.D. Miss. Oct. 22, 2025), the court vacated 42 CFR 440.262, 438.3(d)(4), and 438.206(c)(2) (among others) "to the extent that they expand Title IX's definition of sex discrimination

Notwithstanding the outcome of this litigation, the Court's holding in *Skrmetti*, as explained previously in this proposed rule and expounded upon below, supports our position that this proposed rule would not discriminate on the basis of sex. In 2023, Tennessee enacted a State law,⁹¹ SB1, which, in relevant part, prohibits a healthcare provider from performing certain medical procedures, including surgery, and from prescribing puberty blockers, for a minor for the purpose of enabling the minor to identify with a purported identity inconsistent with the minor's sex.⁹² SB1 does not prohibit healthcare providers from providing those procedures if done to treat a minor's congenital defect, precocious puberty, disease, or physical injury. The U.S. Supreme Court analyzed SB1 under the Equal Protection Clause of the Fourteenth Amendment and held that SB1 does not turn on sex-based classifications, noting "the law does not prohibit conduct for one sex that it permits for the other."⁹³

Like SB1, this proposed rule would apply uniformly to all children regardless of the child's sex. This proposed rule would treat all children the same when it would prohibit a State Medicaid or CHIP agency from covering, as part of its Federally funded Medicaid program and CHIP, the procedures that the proposed rule would define as sex-rejecting procedures. At the same time, this proposed rule would permit State Medicaid and CHIP agencies to continue to so cover procedures when the child has a medically verifiable disorder of sexual development, needs the procedure for a purpose other than attempting to align the child's physical appearance or body with an asserted identity that differs from the child's sex, or has complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated

by the performance of sex-rejecting procedure(s).

Further, this proposed rule would be neither arbitrary nor based on an invidious discriminatory purpose. Rather, based on the review of current research and the reasoning for similar conclusions reached and actions taken by multiple European countries discussed previously in this proposed rule, we believe that Medicaid and CHIP coverage and payment of sex-rejecting procedures are not in the best interests of minors and not consistent with quality of care or the effective and efficient standard required under section 2101(a) of the Act. Therefore, we are proposing to prohibit Federal funding for these procedures in Medicaid and CHIP. This proposal is based on careful consideration of the facts as described in detail in section I.B. of this proposed rule and on our determination that the risks of sex-rejecting procedures for children outweigh the benefits. We continue to support Medicaid and CHIP coverage of services for children that research shows may be helpful for treating gender dysphoria in children without the risks of harm. Further, while State laws may differ, State Medicaid agencies are not currently specifically prohibited under Federal law from covering sex-rejecting procedures for Medicaid beneficiaries who are 18 years of age and older.

2. Intersection With Sufficiency of Amount, Duration, and Scope (§ 440.230(c))

This proposed rule would also be consistent with 42 CFR 440.230, which provides that a Medicaid State plan must specify the amount, duration, and scope of covered services. CMS has long afforded State Medicaid agencies considerable flexibility under § 440.230 to establish the amount, duration, and scope of covered Medicaid services, and to develop State-specific medical necessity criteria and utilization control procedures for covered services. State-specific limits on amount, duration, and scope are frequently applied based on an assessment of a beneficiary's specific circumstances, rather than being blanket limitations. In addition to specifying the amount, duration, and scope of covered services, historically, States have determined whether, and how, to cover services and we make Federal Medicaid payments to States if the services otherwise complied with Federal law and regulation. Within CHIP, under § 457.402(x), States have the ability to add coverage of additional services if recognized by State law.

Some States may be using the authorities under sections 1905 and 2110 of the Act, such as sections 1905(a)(6) and 2110(a)(24) of the Act,⁹⁴ to cover sex-rejecting procedures as services that are recognized under State law.

However, this flexibility under § 440.230 is not absolute. Section 440.230 requires State Medicaid agencies to comply with certain guidelines when determining the amount, duration, and scope of covered services. States must detail their proposed coverage of services in a State plan amendment and submit the State plan amendment to CMS for approval. We review the State plan amendment to ensure that States meet these guidelines. For example, under § 440.230(b), State Medicaid agencies must ensure that any covered service is sufficient in amount, duration, and scope to reasonably achieve its purpose. If a state limits the amount, duration or scope of a service without exception for medical necessity, the State must explain to us the reasoning and evidence to support the limitation prior to CMS approving the State's submission. Similarly in CHIP, the flexibility under § 457.402(x) is not absolute. Section 457.60 requires States to submit a State plan amendment when a State is making a change in policy or operation of the program that affects the benefits provided. Like in Medicaid, States must detail their proposed coverage of services in a State plan amendment and submit the State plan amendment to CMS for approval. We review the State plan amendment to ensure that States meet these guidelines.

For this proposed rule, we have considered the risk/benefit profile of sex-rejecting procedures for the purposes included in our proposed definition and the alternative treatments available, before determining that a national response prohibiting Federal Medicaid funding for sex-rejecting procedures for children under age 18 enrolled in Medicaid and under age 19 enrolled in CHIP is warranted. This prohibition includes circumstances in which a provider may determine that a sex-rejecting procedure is medically necessary for a child diagnosed with gender dysphoria.

⁹⁴ Section 1905(a)(6) of the Act states "medical care, or any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice as defined by State law" and section 2110(a)(24) of the Act defines "child health assistance" as "payment for part or all of the cost of health benefits coverage for targeted low-income children that includes any of the following . . . (24) Any other medical, diagnostic, screening, preventive, restorative, remedial, therapeutic, or rehabilitative services . . . if recognized by State law . . ."

to include gender identity discrimination" and declared HHS had "exceeded its statutory authority when (1) it interpreted Title IX, as incorporated into Section 1557, to prohibit discrimination on the basis of gender identity, and (2) when it implemented Section 1557 regulations concerning gender identity and 'gender affirming care.'" See also *Texas v. Becerra*, No. 6:24-CV-211-JDK (E.D. Tex. Aug. 30, 2024), in which the court entered a nationwide stay of certain regulations of the final rule, including 42 CFR 440.262, 438.3(d)(4), and 438.206(c)(2). Given *Skrmetti*'s holding, we believe that the outcome of this litigation will not affect the proposed rule. As a result, CMS does not further discuss 42 CFR 440.262, 438.3, and 438.206 in this proposed rule.

⁹¹ Tenn. Code Ann. § 68-33-101 *et seq.*

⁹² As defined by SB1, "minor" means an individual under eighteen (18) years of age. Tenn. Code Ann. § 68-33-102.

⁹³ *United States v. Skrmetti*, 145 S. Ct. 1816 (2025).

Lastly, this proposed rule is consistent with § 440.230(c), which prohibits State Medicaid agencies from arbitrarily denying or reducing the amount, duration, or scope of a covered service to an otherwise eligible beneficiary solely because of the diagnosis, type of illness, or condition. This proposed rule reflects the agency's efforts to address significant concerns about the risk/benefit profile of sex-rejecting procedures for the uses included in our proposed definition of that term, due to the safety concerns, risks of irreversible harm, long-term health outcomes, and unestablished effectiveness associated with those uses, as explained previously. This proposed rule takes into account the different risk/benefit profiles of different uses of these procedures, which is why it focuses on purposes that might be associated with a particular diagnosis, type of illness or condition. Our proposed definition of sex-rejecting procedures would exclude from the definition certain uses of these procedures for which the risk/benefit profile creates less significant concerns. Additionally, other treatments, such as mental health treatment, would remain Federally funded for children diagnosed with gender dysphoria.

As discussed previously in this proposed rule, we have considered the concerns of States, providers, and beneficiaries who have relied on CMS making Federal Medicaid and CHIP payment for these services. Notwithstanding the potential financial burden to States, providers, and individuals, and the psychological and physical impact on beneficiaries who wish to receive these services, a nationwide prohibition on Federal Medicaid and CHIP payments for these services is warranted. We believe that the concerns of States, providers and beneficiaries described previously in this proposed rule are outweighed by the potential harm of sex-rejecting procedures for minors, including potential long-term harm, especially when the possible benefits of these services are unproven and the procedures are irreversible. More data is needed on how the procedures that the proposed rule would define as sex-rejecting procedures in children under age 18 in Medicaid and under age 19 in CHIP affect the long-term health of such individuals, including any impact on fertility, and whether these procedures result in, or increase the risk of, sexual dysfunction, impaired bone density, adverse cognitive impacts and other health deviations, as mentioned previously.

3. Intersection With Early and Periodic Screening, Diagnostic and Treatment (EPSDT)

This proposed rule also would be consistent with States' obligations under the EPSDT requirement, even though it would limit States' longstanding flexibility to develop State-specific processes for determining when a service is medically necessary for an EPSDT-eligible beneficiary under section 1905(r)(5) of the Act. Under EPSDT, States must cover medically necessary services described in section 1905(a) of the Act for most Medicaid eligible children under the age of 21. Children eligible for EPSDT generally include beneficiaries under the age of 21 enrolled: in Medicaid through a categorically needy group; in Medicaid through a medically needy group in a State that has elected to include EPSDT in the medically needy benefit package; in a Medicaid-expansion CHIP program; or in a separate CHIP program that has elected to cover EPSDT. This includes beneficiaries with an institutional level of care who are eligible for Medicaid by virtue of their enrollment in a home and community-based services (HCBS) waiver under section 1915(c) of the Act. EPSDT is not available to beneficiaries without satisfactory immigration status who are eligible only for treatment of an emergency medical condition and other groups of individuals under age 21 who are eligible only for limited services as part of their Medicaid eligibility, such as, for example, family planning services.

Under this proposed rule, sex-rejecting procedures for the uses included in our proposed definition would no longer be Federally funded as Medicaid-covered services for individuals under the age of 18 or as CHIP-covered services for individuals under the age of 19, because such services may pose a risk of harm to children, including long-term irreversible harm, and result in adverse outcomes on their health including infertility/sterility, sexual dysfunction, impaired bone density accrual, adverse cognitive impacts, cardiovascular disease and metabolic disorders, and psychiatric disorders. We are not endorsing or requiring any particular treatment modality for gender dysphoria.

In our prior EPSDT coverage guidance,⁹⁵ we discuss how States

should approach their determination of whether a service is medically necessary. In this prior guidance, we emphasize that States (or their delegated entity) must take into account the particular needs of the child. We explain that States should consider the child's long-term needs, not just what is required to address the immediate situation. The State should consider all aspects of a child's needs, including nutrition, social development, and mental health and substance use disorders. Accordingly, while sex-rejecting procedures have been covered by some State Medicaid programs to address gender dysphoria to alleviate its symptoms, these procedures can involve use of puberty suppressing drugs to prevent the onset of puberty and cross-sex hormones to spur the secondary sex characteristics of the opposite sex. For children under 18 (or under 19 in CHIP) who have undergone the suppression of puberty, these procedures may pose a significant risk of harm, including possible long-term harm to a child's health, including the risk of infertility and bone density loss, as discussed previously.

As discussed previously in this proposed rule, some State Medicaid programs and CHIPs have relied upon clinical guidelines that have failed to meet the principles of unbiased, evidence-driven clinical guideline development. As a result of this reliance, State Medicaid programs and CHIPs have developed coverage criteria which may not have considered the full effects of all aspects of a child's needs (including long-term needs) as required under EPSDT.

F. Prohibition on Federal Funding and Coverage in a Separate CHIP

Title XXI of the Act allows States to implement CHIP as a separate CHIP, a Medicaid-expansion program, or a combination of the two. Title XXI-funded Medicaid expansion programs generally follow Medicaid rules. This section relates to separate CHIPs.

States with separate CHIPs receive Federal funding from the title XXI allotment to provide child health assistance through obtaining coverage that meets the requirements of section 2103 of the Act and regulations at § 457.402. Section 2101(a) of the Act calls for the provision of CHIP in a manner that is effective and efficient and coordinated with other sources of

⁹⁵ CMS, "EPSDT—A Guide for States: Coverage in the Medicaid Benefit for Children and Adolescents," June 2014, <https://www.medicaid.gov/medicaid/benefits/downloads/epsdt-coverage-guide.pdf>.

⁹⁶ CMS, State Health Official Letter #24-005, "Best Practices for Adhering to Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Requirements," September 26, 2024, <https://www.medicaid.gov/federal-policy-guidance/downloads/sho24005.pdf>.

health benefits coverage for children, notwithstanding section 2110(a)(24) of the Act that allows States to cover additional services that are recognized by State law. While CMS recognizes the considerable State flexibility provided to States under section 2110(a)(24) of the Act, CMS has concluded that it is in the best interest of children under age 19 enrolled in CHIP to no longer permit Federal funding for coverage of procedures when utilized for purposes of sex-rejecting procedures because such services may result in adverse outcomes on their health including infertility/sterility, sexual dysfunction, impaired bone density accrual, diverse cognitive, cardiovascular disease and metabolic disorders, and psychiatric disorders. Therefore, CMS has concluded it is most efficient and effective, and in the best interests of children, for CHIP to align and coordinate with the Medicaid program.

Section 2103 of the Act and § 457.410 allow States to choose any of the following four types of health benefits coverage for separate CHIPs: (1) Benchmark coverage in accordance with § 457.420; (2) Benchmark-equivalent coverage in accordance with § 457.430; (3) Existing comprehensive State-based coverage in accordance with § 457.440; and (4) Secretary-approved coverage in accordance with § 457.450. Regardless of the type of health coverage selected by a State, States are required to provide all services identified at § 457.410(b) to children enrolled in CHIP. In addition to these services, States have the flexibility to cover additional services at § 457.402, which lists the services included in “child health assistance.” In addition to the specified services, § 457.402(x) permits states to select additional services and treatments that it will cover. The majority of separate CHIP States have elected Secretary-approved coverage. Under Secretary-approved coverage at § 457.450, the Secretary currently has the discretion to determine whether the coverage provided by a State is appropriate coverage for the population of targeted low-income children covered under the program. Recently, there have also been changes to allowable procedures under the benchmark coverage options for CHIP under § 457.420 as described later in this proposed rule.

On June 20, 2025, we issued the “Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability,” final rule (90 FR 27074) (referred to hereafter as the “2025 Marketplace final rule”), which prohibits issuers of non-grandfathered individual and small group market health insurance coverage—that is,

issuers of coverage subject to the essential health benefit (EHB) requirements—from providing coverage for “specified sex-trait modification procedures” as an EHB beginning with Plan Year 2026. This prohibition was proposed and finalized because section 1302(b)(2)(A) of the ACA requires that the scope of the EHB be equal to the scope of benefits provided under a typical employer plan, and coverage of such procedures is not typically included in employer-sponsored plans.⁹⁷ In addition, on January 31, 2025, the U.S. Office of Personnel Management issued letter 2025–01A, which prohibited coverage of certain surgeries and hormone treatments for covered individuals in Federal Employees Health Benefits (FEHB) and Postal Service Health Benefits (PSHB) Programs under age 19. That letter was amended by letter 2015–01B, issued on August 15, 2025, which eliminated the age limit and advised that for Plan Year 2026, chemical and surgical modification of an individual’s sex traits through medical interventions (to include “gender transition” services) will no longer be covered under the FEHB or PSHB Programs. Specifically, it excludes hormone treatments that pertain to chemical and surgical modification of an individual’s sex traits (including as part of “gender transition” services) and clarifies that carriers should not exclude coverage for entire classes of pharmaceuticals. For example, GnRH agonists may be prescribed during in vitro fertilization (IVF), for reduction of endometriosis or fibroids, and for cancer treatment or prostate cancer/tumor growth prevention.⁹⁸

As previously noted, section 2101(a) of the Act provides funds to States to enable them to initiate and expand the provision of child health assistance to

⁹⁷ Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability, 90 FR 27152 (June 25, 2025). While portions of the “Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability,” final rule (90 FR 27074), have been challenged, the requirement that issuers of non-grandfathered individual and small group market health insurance coverage—that is, issuers of coverage subject to the essential health benefit (EHB) requirements—cannot provide coverage for “specified sex-trait modifications” as an EHB will begin with Plan Year 2026.

⁹⁸ U.S. Office of Personnel Management (OPM) FEHB Program Carrier Letter, Letter Number 2025–01A, “Addendum to Call Letter for Plan Year 2026,” January 31, 2025, <https://www.opm.gov/healthcare-insurance/carriers/fehb/2025/2025-1a.pdf>. Amended by OPM FEHB Programs Carrier Letter, Letter Number 2025–01B, “Subject: Chemical and Surgical Sex-Trait Modification Services for Plan Year 2026 Proposals,” August 15, 2025, <https://www.opm.gov/healthcare-insurance/carriers/fehb/2025/2025-01b.pdf>.

uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children. As outlined previously in this proposed rule, while the prohibitions on coverage are not identical, they will effectively result in prohibition of coverage of sex-rejecting procedures in both the FEHB Program and as an EHB beginning with Plan Year 2026. Therefore, we are proposing to add a new section § 457.476 to prohibit Federal financial participation for sex-rejecting procedures under CHIP, to align CHIP with Medicaid, the FEHB Program, and EHBs. Although title XXI of the Act does not apply EHB rules under a separate CHIP, the services which must be covered under title XXI also are EHBs. We note that similar to Medicaid, this proposed change in CHIP would not prohibit Federal payment for procedures undertaken to treat a child with a medically verifiable disorder of sexual development; for purposes other than attempting to align a child’s physical appearance or body with an asserted identity that differs from the child’s sex; or to treat complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedure(s).

We also note that section 2107(e) of the Act applies numerous provisions in Medicaid in the same manner to title XXI as would be the case under this proposed rule.

We take very seriously the weak evidence base supporting the safety or effectiveness of sex-rejecting procedures in minors, and the plausible evidence of harm, for the purposes included in our proposed definition. Based on these factors, we propose to prohibit Federal CHIP funds for sex-rejecting procedures for the purposes included in our proposed definition. It is also important to reiterate that these regulatory changes would not prohibit the use of Federal CHIP dollars for mental health treatments for conditions such as gender dysphoria.

II. Provisions of the Proposed Regulations

A. General Discussion

We propose to exercise our separate authorities under sections 1902(a)(19) and 1902(a)(30)(A) of the Act to add a new subpart N to part 441 to prohibit Federal Financial Participation (FFP) in Medicaid for sex-rejecting procedures for the purposes included in our proposed definition for individuals under the age of 18, as this is the age of majority in most States. For CHIP, we

propose to exercise our authority under section 2103(c) of the Act to revise subpart D of 42 CFR part 457 to prohibit the use of Federal CHIP dollars to fund sex-rejecting procedures for the purposes included in our proposed definition for individuals under the age of 19, as this age aligns with the statutory definition of “child” at 2110(c)(1) of the Act. While this proposal aligns with section 5(a) of E.O. 14187, we are also proposing this change based on current evidence, which does not conclusively support the use of sex-rejecting procedures to treat gender dysphoria in children. It is important to emphasize that these proposed regulatory changes would not prohibit the use of Federal Medicaid or CHIP dollars for mental health treatments for conditions such as gender dysphoria. Nor would these proposed changes prevent States from providing coverage for sex-rejecting procedures with State-only funds outside of the Federally-matched Medicaid program or CHIP. We note that this proposed rule also does not prohibit Federal reimbursement of procedures undertaken (i) to treat a child with a medically verifiable disorder of sexual development; (ii) for purposes other than attempting to align a child’s physical appearance or body with an asserted identity that differs from the child’s sex; or (iii) to treat complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedure(s).

B. Prohibition on Medicaid Payment for Sex-Rejecting Procedures (§ 441.800)

We propose to add a new subpart N to 42 CFR part 441 to protect Medicaid beneficiaries and ensure Medicaid payments are consistent with quality of care by prohibiting Federal Medicaid payments to States for sex-rejecting procedures provided to children under the age of 18. The basis and purpose of proposed subpart N (as described previously in this proposed rule) is reflected in proposed § 441.800.

Within new subpart N, we propose at § 441.802(a) that State Medicaid plans must provide that the Medicaid agency will not make payment under the plan for sex-rejecting procedures for children under the age of 18. Per 42 CFR 430.10, the State plan is the vehicle through which States assure that their Medicaid programs will be administered in conformity with title XIX of the Act (including sections 1902(a)(19) and 1902(a)(30)(A) of the Act) and CMS’ implementing regulations, and the State plan must also contain all information

necessary for CMS to determine whether the plan can serve as a basis for FFP. Proposed § 441.802(a) would not preclude States from covering sex-rejecting procedures with State-only funding outside of their Federally-matched Medicaid programs. We propose at § 441.802(b) that FFP would not be available in State expenditures for sex-rejecting procedures for children under the age of 18.

Proposed § 441.801 would define sex-rejecting procedures as any pharmaceutical or surgical intervention that attempts to align a child’s physical appearance or body with an asserted identity that differs from the child’s sex either by: (1) intentionally disrupting or suppressing the normal development of natural biological functions, including primary or secondary sex-based traits; or (2) intentionally altering a child’s physical appearance or body, including amputating, minimizing, or destroying primary or secondary sex-based traits such as the sexual and reproductive organs. However, our proposed definition also provides that the term sex-rejecting procedures would not include procedures undertaken: (i) to treat a child with a medically verifiable disorder of sexual development; (ii) for purposes other than attempting to align a child’s physical appearance or body with an asserted identity that differs from the child’s sex; or (iii) to treat complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedure(s).

Given States’ obligations under sections 1902(a)(19) and 1902(a)(30)(A) of the Act to assure care and services are provided consistent with the best interests of Medicaid recipients and that payments are consistent with quality of care, respectively, we believe that our proposed prohibition of FFP in State expenditures for sex-rejecting procedures for children under age 18 is necessary given the lack of an adequate evidence base for the effectiveness of these treatments for the purposes that would be included in our proposed definition and the significant potential for negative and irreversible side effects.

We note that CMS has imposed age limitations on the availability of Federal funding for certain procedures in the Medicaid program before. CMS has long prohibited, at § 441.253, Federal funding for permanent sterilizations furnished to individuals under age 21, motivated by concerns about potential coercion, informed consent, and patient regret that were based on data specifically related to permanent sterilizations (see preamble discussion

at 43 FR 52146, 52151 through 52153). In this context, our concerns about the effectiveness of sex-rejecting procedures and the plausible evidence of harm motivate our proposal to prohibit Federal funding for sex-rejecting procedures for children under the age of 18. Specifically, this proposed rule recognizes that the more cautious approach of psychosocial support to treat individuals diagnosed with gender dysphoria prior to age 18—the legal age of majority in nearly all U.S. States and Territories⁹⁹—better protects children and youth from adverse effects of any such procedures.

Three states have a different, higher age of majority. Alabama and Nebraska’s age of majority is 19 and Mississippi has the highest age of majority at 21.¹⁰¹ This rule would not conflict with the age of majority in Alabama, Nebraska and Mississippi because these States recognize higher ages of majority than this proposed rule. Under this proposed rule, sex-rejecting procedures would be available for Medicaid coverage at age 18, which is a lower age than the age of majority in these States. Additionally, nothing in this proposed rule preempts State authority to regulate the age of majority in their State, nor does it interfere with a State’s ability to fund these services with State-only funds. Further, it is clear that in making policy choices for the administration of a Federal program, State law is not controlling. This proposed rule would make age 18 the floor of Federal coverage for sex-rejecting procedures under the Medicaid program, should a State include such procedures in their program.

We originally considered establishing the prohibition on Federal reimbursement of sex-rejecting procedures to individuals under age 19 as we are now proposing for CHIP.

⁹⁹ CMS is aware that 3 States—Alabama, Nebraska, and Mississippi—recognize higher ages as the age of majority. See “Age of Majority by State 2025,” World Population Review, accessed August 11, 2025, <https://worldpopulationreview.com/state-rankings/age-of-majority-by-state>. CMS is proposing to prohibit FFP in State expenditures within the Medicaid program for sex-rejecting procedures for children under the age of 18 to correspond to the legal age of majority used by the overwhelming majority of States and Territories. Because section 2110(c)(1) of the Act defines “child” for purposes of CHIP as an individual under age 19, CMS is proposing to prohibit FFP in State expenditures within CHIP for sex-rejecting procedures for children under age 19.

¹⁰⁰ “Age of Majority by State 2025,” World Population Review, accessed September 9, 2025, <https://worldpopulationreview.com/state-rankings/age-of-majority-by-state>.

¹⁰¹ “Age of Majority by State 2025,” World Population Review, accessed September 9, 2025, <https://worldpopulationreview.com/state-rankings/age-of-majority-by-state>.

However, age 19 has no specific meaning for the Medicaid program and, as stated, is a year older than the legal age of majority in nearly all U.S. States and Territories. By comparison, this is not true under CHIP, as the statutory definition of a child in CHIP under section 2110(c)(1) of the Act is an individual under 19 years of age. In addition to other issues, we solicit comment on the operational feasibility of States in implementing the under age 18 prohibition in Medicaid and the under age 19 prohibition in CHIP.

As discussed previously, States have obligations under sections 1902(a)(19) and 1902(a)(30)(A) of the Act to ensure that Medicaid-covered care and services are provided in a manner consistent with the best interests of beneficiaries and to assure that payments for Medicaid-covered care and services are consistent with quality of care. For the reasons discussed in this proposed rule, CMS believes prohibiting Federal Medicaid funding for sex-rejecting procedures for children under the age of 18 is warranted to help ensure that States meet these statutory obligations.

We believe that the proposed definition of sex-rejecting procedures provides an appropriate degree of clarity and certainty regarding which sex-rejecting procedures would and would not be subject to the prohibitions at proposed § 441.802. We believe the proposed definition is narrowly tailored and appropriate to exclude only treatments CMS has determined to lack sufficient evidence of safety for their intended purposes. Examples such as procedures to treat precocious puberty, therapy subsequent to a traumatic injury, or the use of hormone replacement therapy to treat a growth hormone deficiency would not fall under the proposed definition of sex-rejecting procedures, and Federal Medicaid payment for such procedures would therefore not be prohibited for individuals under the age of 18, when medically necessary. As the HHS Review explains, central precocious puberty and gender dysphoria are distinct clinical entities. In addition, because the proposed definition is narrowly tailored in this way, we believe that States will be able to administer Medicaid coverage for drugs in a manner that is consistent with both the proposed rule and the requirements in section 1927 of the Act. Section 1927 of the Act governs the Medicaid Drug Rebate Program and payment for covered outpatient drugs (CODs), which are defined in section 1927(k)(2) of the Act. In general, if manufacturers enter into a National Drug Rebate Agreement (NDRA) as set forth in section 1927(a) of

the Act, payment is available for the CODs covered under that NDRA for medically accepted indications.¹⁰² As defined in section 1927(k)(6) of the Act, “medically accepted indications” mean use for a COD approved under the Federal Food, Drug, and Cosmetic Act or approved for inclusion in any of the compendia described in subsection 1927(g)(1)(B)(i) of the Act. There is no pharmaceutical that is solely indicated for these sex-rejecting procedures; the pharmaceuticals that are used for these procedures are approved for other indications. Thus, these pharmaceuticals will continue to be coverable by Medicaid programs for other indications in accordance with section 1927 of the Act. In addition, we note that this proposed rule only applies to pharmaceuticals that are used in the proposed definition and would not apply to other pharmaceuticals that are prescribed to a child.

As noted previously, the proposed definition of sex-rejecting procedures categorically would exclude procedures undertaken (1) to treat a child with a medically verifiable disorder of sexual development; (2) for purposes other than attempting to align a child’s physical appearance or body with an asserted identity that differs from the child’s sex; or (3) to treat complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedure(s). We reiterate that these proposed regulatory changes would not prohibit the use of Federal Medicaid dollars for mental health treatments for conditions such as gender dysphoria.

In addition, to further explain the meaning of terms used in the proposed sex-rejecting procedures definition, we also propose definitions at new § 441.801 that would apply to subpart N of part 441. We propose to define FFP for purposes of subpart N of part 441 as Federal financial participation, recognizing the longstanding term used in the Medicaid program to describe the Federal Government’s matching arrangement with States and Territories. We also propose to define “female” as a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs (ova). We propose to define “male” as a person of the sex characterized by a reproductive system with the biological function of (at

maturity, absent disruption or congenital anomaly) producing sperm. We propose to define “sex” as a person’s immutable biological classification as either male or female.

A landmark study of and model for anisogamy established that differences in gamete size, and the associated differences in gamete production time, lead to stable sexual dimorphism and the establishment of two biological sexes: ovum producers (females) and sperm producers (males).¹⁰³ Additionally, more recent literature acknowledges differences in sex roles but maintains that such differences can still be traced to the concept of anisogamy and the resultant sexual dimorphism that remain the root cause of sex specific selection, the sex roles, and the determination of biological sex.¹⁰⁴ We believe our proposed definitions of female, male, and sex are appropriately rooted in this concept and biological reality. In addition to other issues, we solicit comments on whether these proposed definitions of “sex”, “male”, and “female” could pose challenges to States in operationalizing this proposed prohibition on Federal reimbursement of sex-rejecting procedures or other aspects of the Medicaid program or CHIP.

Given the weak evidence base underlying sex-rejecting procedures for children and the potential risk of harm, including long-term harm, we believe this proposed rule appropriately implements the directives to States under sections 1902(a)(19) and 1902(a)(30)(A) of the Act that care and treatment provided under Medicaid must be in the best interests of recipients, and that payment for services must be consistent with quality of care.

C. Prohibition on CHIP Payment for Sex-Rejecting Procedures

We propose to revise subpart D in 42 CFR part 457 to prohibit Federal CHIP payments to States for sex-rejecting procedures provided to children. The purpose of this section is to ensure that CHIP is operated in an effective and efficient manner that is coordinated with other sources of health benefits coverage, including Medicaid, for children consistent with section 2101(a) of the Act by prohibiting Federal financial participation in payments by

¹⁰² The NDRA does not have a specific OMB number, however the OMB package that contains all of the information a manufacturer has to report once entering into an NDRA is included in CMS 367a–367e.

¹⁰³ G.A. Parker et al., “The origin and evolution of gamete dimorphism and the male-female phenomenon,” *Journal of Theoretical Biology* 36, no. 3 (1972): 529–553, [https://doi.org/10.1016/0022-5193\(72\)90007-0](https://doi.org/10.1016/0022-5193(72)90007-0).

¹⁰⁴ Lukas Schärer et al., “Anisogamy, chance and the evolution of sex roles,” *Trends in Ecology & Evolution* 27, no. 5 (2012): 260–264, <https://doi.org/10.1016/j.tree.2011.12.006>.

States for sex-rejecting procedures for a child under the age of 19. This would create consistency between CHIP coverage and Medicaid.

The prohibition on Federal financial participation for payments by States for sex-rejecting procedures for children applies in the same manner described in Medicaid at § 441.802 to a State administering a separate CHIP except that it applies to children under the age of 19 in accordance with the definition of a targeted low-income child at § 457.310. This prohibition applies to CHIP regardless of the type of health benefit coverage option described at § 457.410. The definitions applied under Medicaid at § 441.801 apply equally to a separate CHIP.

We believe that our proposed prohibition of Federal CHIP payment for sex-rejecting procedures is necessary given the need to align CHIP coverage with coverage of these services in Medicaid, the lack of scientific evidence regarding the effectiveness of these treatments, and the significant potential for negative and often irreversible side effects when used for the purposes

included in our proposed definition in children.
For each of these provisions outlined previously in this proposed rule, we anticipate stopping the Federal reimbursement of sex-rejecting procedures immediately upon the effective date of the rule finalizing these provisions, for both Medicaid and CHIP.

III. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3520, we are required to provide notice in the Federal Register and solicit public comment before a “collection of information” requirement is submitted to the Office of Management and Budget (OMB) for review and approval. Collection of information is defined under 5 CFR 1320.3(c) of the PRA’s implementing regulations.
To fairly evaluate whether an information collection should be approved by OMB, 44 U.S.C. 3506(c)(2)(A) requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.

- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for the following sections of this document that contain information collection requirements. Comments, if received, will be responded to within the subsequent final rule (CMS–2451–F, RIN 0938–AV73), if this proposed rule is finalized.

A. Wage Estimates

To derive average costs, we used data from the U.S. Bureau of Labor Statistics’ May 2024 National Occupational Employment and Wage Statistics for all salary estimates (<https://www.bls.gov/oes/tables.htm>). In this regard, Table 1 presents BLS’ mean hourly wage, our estimated cost of fringe benefits and other indirect costs (calculated at 100 percent of salary), and our adjusted hourly wage.

TABLE 1—NATIONAL OCCUPATIONAL EMPLOYMENT AND WAGE ESTIMATES

Occupation title	Occupation code	Mean hourly wage (\$/hr)	Fringe benefits and other indirect costs (\$/hr)	Adjusted hourly wage (\$/hr)
Business Operations Specialist	13–1000	43.76	43.76	87.52
General and Operations Manager	11–1021	64.00	64.00	128.00

As indicated, we are adjusting our employee hourly wage estimates by a factor of 100 percent. This is necessarily a rough adjustment, both because fringe benefits and other indirect costs vary significantly from employer to employer, and because methods of estimating these costs vary widely from study to study. Nonetheless, we believe that doubling the hourly wage to estimate the total cost is a reasonably accurate estimation method.

B. Proposed Information Collection Requirements (ICRs)

1. ICRs Regarding Definitions (§ 441.801)

We anticipate that the proposed definitions (adding and defining “female”, “male”, “sex”, and “sex-rejecting procedure”) may result in the need for some States to amend existing policy/manual documents where those items are inconsistent with the parameters of this proposed rule. However, we do not anticipate that this

would impact any active claims/billing forms or their instructions.
We estimate a potential of 56 Medicaid respondents and 56 CHIP respondents consisting of 50 States, the District of Columbia, American Samoa, Commonwealth of the Mariana Islands, Guam, Puerto Rico, and the US Virgin Islands. Based on research discussed in section I.1.C. (United States’ State Bans of and Coverage of Sex-Rejecting Procedures) of this proposed rule, approximately 27 States and one Territory have laws enacted restricting some or all of the sex-rejecting procedures that would be covered by this proposed rule. For these States and Territories, we do not anticipate State staff will need to conduct a review of policy documents for Medicaid or CHIP as these procedures are currently banned (or will be banned).
For the remainder of States and Territories, we assume that State staff will conduct a review for both Medicaid policy documents and CHIP policy documents. As a result, we estimate 28

States and Territories that would need to amend their existing policy documents consistent with these definitions. We estimate it will take 3 hours at \$87.52/hr for a Business Operations Specialist to review existing State policy documents to ensure consistency with the proposed definitions and 1 hour at \$128.00/hr for a General and Operations Manager to review and approve the necessary State policy document changes.
In aggregate we estimate a one-time State burden of 112 hours (28 States × 4 hr/response) at a cost of \$10,936 [(3 hr × \$87.52/hr × 28 States) + (1 hr × \$128.00/hr × 28 States)]. When taking into account the Federal administrative match of 50 percent, we estimate a one-time State cost of \$5,468 (\$10,936 * 0.5). We assumed all services meeting the proposed definition would no longer be covered by Medicaid nor CHIP, and thus not eligible for Federal matching funds.

2. ICRs Regarding the Prohibition on Payment for Sex-Rejecting Procedures (§ 441.802)

If this proposed rule is finalized, the following changes and associated SPA template will be made available for public review/comment under control number CMS–10398 #97, OMB 0938–1148) via the standard PRA process which includes the publication of 60- and 30-day **Federal Register** notices. In the meantime, the following scores the potential impact for preparing and submitting the SPA. We will revisit these preliminary estimates during the standard PRA process and revise if needed.

Under the proposed provision, States and Territories would be required to submit SPAs specifically indicating

adherence to the prohibition on claiming Federal funding of sex-rejecting procedures for individuals under the age of 18 for Medicaid and for individuals under the age of 19 for CHIP. The content of the SPA would be a simple recitation of the prohibition. As indicated above, the template will be made available for public review and comment if this proposed rule is finalized. We intend to require all States and Territories to submit this template for approval as part of their State plan.

We estimate a potential of 56 Medicaid and CHIP respondents consisting of 50 States, the District of Columbia, American Samoa, Commonwealth of the Mariana Islands, Guam, Puerto Rico, and the US Virgin Islands. We estimate it will take 2 hours

at \$87.52/hr for a Business Operations Specialist to prepare an initial SPA and 1 hour at \$128.00/hr for a General and Operations Manager to review and approve the SPA for submission to CMS.

In aggregate, we estimate a one-time State burden of 168 hours (56 States × 3 hr/response) at a cost of \$16,970 [(2 hr × \$87.52/hr × 56 States) + (1 hr × \$128.00/hr × 56 States)]. When taking into account the Federal administrative match of 50 percent, we estimate a one-time State cost of \$8,485 (\$16,970 × 0.5). We assumed all services meeting the proposed definition would no longer be covered by Medicaid nor CHIP, and thus not eligible for Federal matching funds.

C. Summary of Proposed Requirements and Burden Estimates

TABLE 2—PROPOSED REQUIREMENTS/BURDEN ESTIMATES

Regulation section(s) under Title 42 of the CFR	OMB control No. (CMS ID No.)	Respondents	Responses (per State)	Total responses	Time per response (hr)	Total time (hr)	Labor costs (\$/hr)	Total cost (\$)	State cost (\$)
\$ 441.801	N/A	28 States and Territories	1	28	4	112	Varies	10,936	5,468
\$ 441.802	CMS–10398 #97, OMB 0938–1148.	56 States and Territories	1	56	3	168	Varies	16,970	8,485
Total .....	.....	56	2	84	Varies	280	Varies	27,906	13,953

D. Submission of PRA-Related Comments

We have submitted a copy of this proposed rule to OMB for its review of the proposed rule's information collection requirements. The requirements are not effective until they have been approved by OMB.

To obtain copies of the supporting statement and any related forms for the proposed collections discussed previously, please visit the CMS website at <https://www.cms.gov/regulations-and-guidance/legislation/paperwork-reductionactof1995/pra-listing>, or call the Reports Clearance Office at 410–786–1326.

We invite public comments on these potential information collection requirements. If you wish to comment, please submit your comments electronically as specified in the **DATES** and **ADDRESSES** sections of this proposed rule and identify the proposed rule (CMS–2451–P, RIN 0938–AV73), the ICR's CFR citation, and the OMB control number.

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of

this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Statement

A. Statement of Need

Throughout the U.S., thousands of children are receiving sex-rejecting procedures for the purpose of attempting to align their bodies with an asserted identity that differs from their sex. As outlined in this proposed rule, however, the current medical evidence does not support conclusively these interventions and indicates that they might lack clear benefits while posing a health and safety risk to children. To help ensure that Medicaid services are provided in a manner consistent with the best interests of the recipients and that Medicaid payments are consistent with quality of care, we are proposing a prohibition on State Medicaid Agencies from providing payment under the plan for sex-rejecting procedures for children under the age of 18 and proposing a prohibition on State CHIPs from providing payment under the plan for sex-rejecting procedures for children under the age of 19.

B. Overall Impact

We have examined the impacts of this proposed rule as required by Executive Order 12866, “Regulatory Planning and

Review”; Executive Order 13132, “Federalism”; Executive Order 13563, “Improving Regulation and Regulatory Review”; Executive Order 14192, “Unleashing Prosperity Through Deregulation”; the Regulatory Flexibility Act (RFA) (Pub. L. 96–354); section 1102(b) of the Social Security Act; and section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select those regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as any regulatory action that is likely to result in a rule that may: (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan

programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, or the President's priorities.

A regulatory impact analysis (RIA) must be prepared for a regulatory action that is significant under section 3(f)(1) of E.O. 12866. Based on our estimates, the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) has determined this rulemaking is significant per section 3(f). Accordingly, we have prepared a Regulatory Impact Analysis that to the best of our ability presents the costs and benefits of the rulemaking.

C. Detailed Economic Analysis

1. Impacts on Federal Expenditures and Other Transfers

We estimate that this proposal would reduce Federal Medicaid spending by about \$188 million from fiscal year 2027 through fiscal year 2036 (in real 2027 dollars). To estimate the impact of this proposal, we analyzed data from T-MSIS TAF v8.0 for 2023. We selected all claims with a gender dysphoria diagnosis and in the following claims categories: inpatient hospital with surgical procedure; outpatient hospital with surgical procedure; and professional services and prescription drugs with hormone therapy. We included fee-for-service and managed care encounter data. We also analyzed

this data by beneficiary age group and counted only spending for individuals ages 17 and younger. We note that the proposed policy would not prohibit payment by a State Medicaid agency for these services for those age 18, and those individuals and costs are not included as part of the estimates. This data also includes CHIP expenditures for these services.

For 2023, we identified about \$31 million in total computable Medicaid and CHIP spending for these services and individuals. States that had not banned gender dysphoria treatments for children as of 2023 accounted for 76 percent of spending, including 92 percent of inpatient treatment with surgery and 87 percent of outpatient treatment with surgery.

TABLE 3—MEDICAID EXPENDITURES ON GENDER DYSPHORIA TREATMENT BY CATEGORY OF SERVICE AND AGE GROUP, 2023

	Age 6–12	Age 13–14	Age 15–18	Total
Inpatient hospital with surgery	\$0	\$0	\$180,553	\$180,553
Outpatient hospital with surgery	15,526	23,534	2,145,082	2,184,142
Professional services hormone therapy	482,924	1,180,610	3,089,948	4,753,482
Prescription drug hormone therapy	2,566,749	6,130,955	14,779,884	23,477,588
Total	3,065,198	7,335,099	20,195,468	30,595,765

Source: Analysis of T-MSIS TAF v8.0.

Note: The T-MSIS data includes enrollment and spending by age groups, which includes ages 15–18 as one group. The policy in this proposed rule would only affect Medicaid enrollees under age 18 (ages 15–17), but the table above includes spending for individuals age 18. We note that we have adjusted for this when developing the estimates in the RIA.

We projected this spending forward from 2023 through 2035 using projected growth in Medicaid and CHIP spending on children from the Mid-Session Review of the President's fiscal year 2026 Budget. We assumed all services would no longer be covered by Medicaid or CHIP, and thus not eligible for Federal matching funds. We solicit comment on whether states that currently cover services would continue to cover these services absent FFP as described in this proposed rulemaking.

States that currently cover these services under Medicaid would see the largest reductions in Medicaid spending. We also assumed about 3

percent of spending would be delayed until individuals reach age 18, reflecting 50 percent of the surgical procedures being paid by Medicaid and CHIP in the future. Absent data or analysis on the impact of prohibitions on these procedures, we assumed some individuals would ultimately receive these services once eligible and believe 50 percent is reasonable (considering that some individuals would no longer be eligible for Medicaid in the future and some individuals may find other sources of coverage).

Table 4 shows the annual impact of the proposal on total and Federal Medicaid and CHIP spending in

millions of dollars. These estimates assume the policies in the proposed rule would be effective as of October 1, 2026. Total Medicaid and CHIP spending would be reduced by \$318 million over 10 years, Federal spending would be reduced by \$188 million, and State spending would be reduced by \$130 million (in real 2027 dollars). Actual impacts may vary from these estimates. We have relied on the most recently available program data for this analysis and projections of future enrollment and spending. Actual future costs may vary if enrollment and spending are higher or lower than projected.

TABLE 4—PROJECTED IMPACTS OF PROHIBITING COVERAGE OF SEX-REJECTING PROCEDURES FOR INDIVIDUALS UNDER 18 ON MEDICAID SPENDING

[In millions of real 2027 dollars]

	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2027–2036
Total	–30	–30	–30	–31	–32	–32	–32	–33	–34	–34	–318
Federal	–18	–18	–18	–18	–19	–19	–19	–19	–20	–20	–188
State	–12	–12	–12	–13	–13	–13	–13	–14	–14	–14	–130

We have made reasonable assumptions about how individuals may use these services in the future. A

greater or lesser number of individuals may still receive coverage for these services upon reaching age 18 than we

have assumed. In addition, it is possible some individuals may find alternative coverage for these services (for example,

States covering services without Federal funding, or private insurance). We have also not estimated if there would be any other impacts on Federal expenditures (for example, increases in other healthcare services related to gender dysphoria).

2. Costs

In addition, the proposed rule may result in several costs. States would need to update State plans or waivers to comply with the proposed changes to covered benefits. Those impacts are described in section III. of this proposed rule. In addition, the changes in this proposed rule may prevent or delay individuals from receiving these healthcare services.

3. Alternatives

As an alternative to this proposed rule, we considered taking no action to require that a State Medicaid or CHIP plan must provide that the Medicaid or CHIP agency will not make payment under the plan for sex-rejecting procedures for children in Medicaid under the age of 18 and children in CHIP under the age of 19 and to prohibit the use of Federal Medicaid or CHIP dollars to fund sex-rejecting procedures for these individuals. On January 28,

2025, President Trump issued E.O. 14187, Protecting Children from Chemical and Surgical Mutilation. Section 5(a) of that order directs the Secretary to take all appropriate actions consistent with applicable law to end what the order refers to as the chemical and surgical mutilation of children including regulatory and sub-regulatory actions for specific programs, including Medicaid. In alignment with the Executive Order and the evidence outlined in section I.B. of this proposed rule, CMS decided to pursue this proposed policy. These proposed changes would not prevent States from providing coverage for sex-rejecting procedures with State-only funds outside of the Federally-matched Medicaid program or CHIP.

D. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant economic impact on a substantial number of small entities. For purposes of the RFA, we estimate that almost all hospitals and other healthcare providers are small entities as that term is used in the RFA (including small businesses, small nonprofit organizations, and small governmental jurisdictions). The great

majority of hospitals and most other healthcare providers are small entities, either by being nonprofit organizations or by meeting the Small Business Administration (SBA) definition of a small business (having revenues of less than \$9.0 million to \$47.0 million in any 1 year). Individuals and States are not included in the definition of a small entity.

For purposes of the RFA, approximately 96 percent of the health care industries impacted are considered small businesses according to the Small Business Administration's size standards. According to the SBA's website at <http://www.sba.gov/content/small-business-size-standards>, the health care industries impacted fall in the North American Industrial Classification System (NAICS) 446110 Pharmacies and Drug Stores; 622111 Offices of Physicians (except Mental Health Specialists); 621112 Offices of Physicians, Mental Health Specialists; 621493 Freestanding Ambulatory Surgical and Emergency Centers; 621498 All Other Outpatient Care Centers; and 622110 General Medical and Surgical Hospitals. Table 5 shows the industry size standards for each of these health care industries.

TABLE 5—HEALTH CARE INDUSTRY SIZE STANDARDS

NAICS (6-digit)	Industry subsector description	SBA size standard/ small entity threshold (million)	Total small businesses
446110	Pharmacies and Drug Stores	\$37.5	18,461
621111	Offices of Physicians (except Mental Health Specialists)	16.0	129,117
621112	Offices of Physicians, Mental Health Specialists	13.5	12,325
621493	Freestanding Ambulatory Surgical and Emergency Centers	19.0	5,569
621498	All Other Outpatient Care Centers	25.5	9,801
622110	General Medical and Surgical Hospitals	47.0	1,169

Source: 2022 Statistics of U.S. Businesses, available at <https://www.census.gov/programs-surveys/susb.html>.

Tables 6 through 11 aid in showing their 6 digits NAICS code level. These of the disproportionate impacts among the distribution of firms and revenues at tables aim to provide an understanding firms, between small and large firms.

TABLE 6—NAICS 446110 PHARMACIES AND DRUG STORES
[\$37.5 Million size standard]

Firm size (by receipts)	Firm count	% of small firms	Avg. revenue
SMALL FIRMS	18,461	100	\$3,930,615.08
<\$100K	560	3	50,953.57
\$100K–\$499K	1,733	9	292,525.68
\$500–\$999K	1,764	10	753,448.41
\$1M–\$2.499M	4,810	26	1,760,637.01
\$2.5M–\$4.999M	5,159	28	3,606,681.53
\$5M–\$7.499M	2,137	12	6,079,067.38
\$7.5M–\$9.999M	869	5	8,624,350.98
\$10M–\$14.999M	762	4	11,934,971.13
\$15M–\$19.999M	318	2	16,805,396.23
\$20M–\$24.999M	146	1	21,375,342.47
\$25M–\$29.999M	98	1	26,077,561.22
\$30M–\$34.999M	64	0	27,529,546.88
\$35M–\$39.999M	41	0	30,746,414.63

TABLE 6—NAICS 446110 PHARMACIES AND DRUG STORES—Continued
[\$37.5 Million size standard]

Firm size (by receipts)	Firm count	% of small firms	Avg. revenue
LARGE FIRMS .....	.....	.....	.....
Receipts>\$40M	396	N/A	672,827,431.82

Source: 2022 Statistics of U.S. Businesses, available at <https://www.census.gov/programs-surveys/susb.html>.

TABLE 7—NAICS 621111 OFFICES OF PHYSICIANS (EXCEPT MENTAL HEALTH SPECIALISTS)
[\$16.0 Million size standard]

Firm size (by receipts)	Firm count	% of small firms	Avg. revenue
SMALL FIRMS	129,117	100	\$1,463,302.41
<\$100K	11,119	9	51,195.79
\$100K–\$499K	44,138	34	296,376.77
\$500–\$999K	30,224	23	712,231.21
\$1M–\$2.499M	24,522	19	1,559,970.11
\$2.5M–\$4.999M	10,388	8	3,475,423.18
\$5M–\$7.499M	3,799	3	6,048,868.65
\$7.5M–\$9.999M	1,945	2	8,498,150.64
\$10M–\$14.999M	2,003	2	11,844,361.46
\$15M–19.999M	979	1	16,517,796.73
LARGE FIRMS .....	.....	.....	.....
Receipts >\$20M	3,782	N/A	116,848,659.18

Source: 2022 Statistics of U.S. Businesses, available at <https://www.census.gov/programs-surveys/susb.html>.

TABLE 8—NAICS 621112 OFFICES OF PHYSICIANS, MENTAL HEALTH SPECIALISTS
[\$13.5 Million size standard]

Firm size (by receipts)	Firm count	% of small firms	Avg. revenue
SMALL FIRMS	12,325	100	\$634,311.40
<\$100K	2,125	17	52,448.00
\$100K–\$499K	6,341	51	261,018.29
\$500–\$999K	2,092	17	686,686.90
\$1M–\$2.499M	1,206	10	1,496,716.42
\$2.5M–\$4.999M	338	3	3,331,017.75
\$5M–\$7.499M	111	1	5,735,522.52
\$7.5M–\$9.999M	52	0	8,039,461.54
\$10M–\$14.999M	60	0	10,485,850.00
LARGE FIRMS .....	.....	.....	.....
Receipts >\$15M	212	N/A	14,421,103.77

Source: 2022 Statistics of U.S. Businesses, available at <https://www.census.gov/programs-surveys/susb.html>.

TABLE 9—NAICS 621493 FREESTANDING AMBULATORY SURGICAL AND EMERGENCY CENTERS
[\$19.0 Million size standard]

Firm size (by receipts)	Firm count	% of small firms	Avg. revenue
SMALL FIRMS	5,569	100	\$2,713,466.15
<\$100K	353	6	48,246.46
\$100K–\$499K	1,249	22	287,140.11
\$500–\$999K	867	16	724,727.80
\$1M–\$2.499M	1,265	23	1,648,132.81
\$2.5M–\$4.999M	845	15	3,602,647.34
\$5M–\$7.499M	413	7	5,999,140.44
\$7.5M–\$9.999M	223	4	8,392,170.40
\$10M–\$14.999M	241	4	11,472,634.85
\$15M–19.999M	113	2	16,496,955.75
LARGE FIRMS .....	.....	.....	.....
Receipts >\$20M	610	N/A	46,366,978.69

Source: 2022 Statistics of U.S. Businesses, available at <https://www.census.gov/programs-surveys/susb.html>.

TABLE 10—NAICS 621498 ALL OTHER OUTPATIENT CARE CENTERS
[\$25.5 Million size standard]

Firm size (by receipts)	Firm count	% of small firms	Avg. revenue
SMALL FIRMS	9,801	100	\$2,124,005.00
<\$100K	1,079	11	48,916.59
\$100K–\$499K	2,925	30	283,037.26
\$500–\$999K	1,832	19	719,524.02
\$1M–\$2.499M	1,990	20	1,545,938.69
\$2.5M–\$4.999M	790	8	3,409,083.54
\$5M–\$7.499M	289	3	5,739,238.75
\$7.5M–\$9.999M	193	2	7,644,943.01
\$10M–\$14.999M	292	3	10,567,616.44
\$15M–\$19.999M	184	2	13,609,652.17
\$20M–\$24.999M	137	1	16,169,890.51
\$25M–\$29.999M	90	1	21,218,188.89
LARGE FIRMS			
Receipts >\$30M	1,008	N/A	55,938,203.37

Source: 2022 Statistics of U.S. Businesses, available at <https://www.census.gov/programs-surveys/susb.html>.

TABLE 11—NAICS 622110 GENERAL MEDICAL AND SURGICAL HOSPITALS
[\$47.0 Million size standard]

Firm size (by receipts)	Firm count	% of small firms	Avg. revenue
SMALL FIRMS	1,169	100	\$17,598,603.93
<\$100K	59	5	49,491.53
\$100K–\$499K	150	13	270,466.67
\$500–\$999K	54	5	696,814.81
\$1M–\$2.499M	28	2	1,522,000.00
\$2.5M–\$4.999M	28	2	3,739,428.57
\$5M–\$7.499M	35	3	6,512,657.14
\$7.5M–\$9.999M	51	4	8,550,588.24
\$10M–\$14.999M	124	11	11,777,798.39
\$15M–\$19.999M	132	11	16,993,166.67
\$20M–\$24.999M	121	10	22,389,727.27
\$25M–\$29.999M	100	9	26,686,900.00
\$30M–\$34.999M	99	8	31,329,858.59
\$35M–\$39.999M	66	6	35,617,636.36
\$40M–\$44.999M	122	10	42,184,385.25
\$45M–\$49.999M	1,169	5	17,598,603.93
LARGE FIRMS			
Receipts >\$50M	1,404	N/A	884,790,689.46

Source: 2022 Statistics of U.S. Businesses, available at <https://www.census.gov/programs-surveys/susb.html>.

Individuals and States are not included in the definition of a small entity.

As shown in Table 12, all the industries combined, according to the 2022 Economic Census, earned approximately \$2,364,153,884,000, while the small firms for all the industries combined earned approximately \$325,819,624,000. Table

13 in section V.E. estimates a \$31.6 million reduction in total annualized monetized transfers from the Federal Government and States to health care providers. This total estimated reduction represents less than 1 percent of the total revenues of the health care industries impacted and the total revenues of the small firms in the health care industries impacted. It also

represents less than 1 percent of the total revenues of each health care industry impacted and the total revenues of the small firms in each health care industry impacted. As a result, this proposed rule if finalized would result in a change in revenue of less than 1 percent for the impacted health care industries.

TABLE 12—TOTAL REVENUES, ALL FIRMS AND SMALL FIRMS, BY NAICS CLASSIFICATION

NAICS	Total revenues (all firms)	Revenue test* (%)	Total revenues (small firms)	Revenue test* (%)
446110 Pharmacies and Drug Stores	\$339,002,748,000.00	0.01	\$72,563,085,000.00	0.04
621111 Offices of Physicians (except Mental Health Specialists)	630,858,846,000.00	0.00	188,937,217,000.00	0.02
621112 Offices of Physicians, Mental Health Specialists	10,875,162,000.00	0.29	7,817,888,000.00	0.40
621493 Freestanding Ambulatory Surgical and Emergency Centers	43,395,150,000.00	0.07	15,111,293,000.00	0.21
621498 All Other Outpatient Care Centers	77,203,082,000.00	0.04	20,817,373,000.00	0.15

TABLE 12—TOTAL REVENUES, ALL FIRMS AND SMALL FIRMS, BY NAICS CLASSIFICATION—Continued

NAICS	Total revenues (all firms)	Revenue test * (%)	Total revenues (small firms)	Revenue test * (%)
622110 General Medical and Surgical Hospitals	1,262,818,896,000.00	0.00	20,572,768,000.00	0.15
Total	2,364,153,884,000.00	0.00	325,819,624,000.00	0.01

Source: 2022 Statistics of U.S. Businesses, available at <https://www.census.gov/programs-surveys/susb.html>.

* Calculated using an estimated reduction in total annualized monetized transfers of \$31.6 million (as shown in Table 13) as a percentage of total revenues.

As its measure of significant economic impact on a substantial number of small entities,

HHS uses a change in revenue of more than 3 to 5 percent. According to Table 12, we do not believe that the 3 to 5 percent threshold will be reached by the proposed requirements in this rule for NAICS 446110 Pharmacies and Drug Stores; 622111 Offices of Physicians (except Mental Health Specialists); 621112 Offices of Physicians, Mental Health Specialists; 621493 Freestanding Ambulatory Surgical and Emergency Centers; 621498 All Other Outpatient Care Centers; or 622110 General Medical and Surgical Hospitals. Therefore, the Secretary has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities in these industries.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to

the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this proposed rule would not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2025, that threshold is approximately \$187 million. The proposed rule would not mandate significant spending costs on State, local, or Tribal governments in the aggregate, or by the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it issues a rule that imposes 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. This proposed rule will have a substantial direct effect on the ability of States to receive Federal Medicaid funds for sex-rejecting procedures furnished to children under age 18 and on the ability of States to receive Federal CHIP funds for sex-rejecting procedures furnished to children under age 19.

E. Accounting Statement and Table

Consistent with OMB Circular A-4 (available at <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>), we have prepared an accounting statement in Table 13 showing the classification of the impact associated with the provisions of this proposed rule.¹⁰⁵

TABLE 13—ACCOUNTING STATEMENT

Transfers	Estimate (million)	Year dollar	Discount rate (%)	Period covered
Annualized Monetized (\$/year)	\$18.7	2027	7	2027–2036
	18.7	2027	3	2027–2036

Quantitative:

- Estimated reduction in transfers from Federal Government to healthcare providers (including hospitals, physicians, and pharmacies) and to beneficiaries due to no longer covering sex-rejecting procedures for individuals under 18.

Annualized Monetized (\$/year)	12.9	2026	7	2027–2036
	12.9	2026	3	2027–2036

Quantitative:

- Estimated reduction in transfers from States to healthcare providers (including hospitals, physicians, and pharmacies) and to beneficiaries due to no longer covering sex-rejecting procedures for individuals under 18.

Table 13 shows the annualized monetized transfer values required under OMB Circular A-4. At a discount rate of 7 percent, the annualized monetized transfers are \$18.7 million to

the Federal government and \$12.9 million to the States, reflecting a reduction in payment for these services to healthcare providers. At a discount rate of 3 percent, the annualized

monetized transfers are also \$18.7 million to the Federal government and \$12.9 million to the States.

Mehmet Oz, Administrator of the Centers for Medicare & Medicaid

¹⁰⁵ The effects attributable to this proposed rule might be lower in magnitude than the aggregates presented here if other actions, such as the HHS/

CMS proposal titled “Medicare and Medicaid Programs; Hospital Condition of Participation:

Prohibiting Sex-Rejecting Procedures on Children,” are finalized before finalization of this proposal.

Services, approved this document on December 15, 2025.

List of Subjects

42 CFR Part 441

Grant programs—health, Health professions, Medicaid, Reporting and recordkeeping requirements.

42 CFR Part 457

CHIP, Grant programs—health, Health professions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

■ 1. The authority citation for part 441 continues to read as follows:

Authority: 42 U.S.C. 1302.

■ 2. Part 441 is amended by adding subpart N to read as follows:

Subpart N—Prohibition on Federal Medicaid Funding for Sex-Rejecting Procedures Furnished to Children

Sec.
441.800 Basis and purpose.
441.801 Definitions.
441.802 General rules.

§ 441.800 Basis and purpose.

Basis and purpose. The purpose of this section is to implement sections 1902(a)(19) and 1902(a)(30)(A) of the Act to protect Medicaid beneficiaries and ensure Medicaid payment is consistent with quality of care by prohibiting Federal financial participation in payments by States for sex-rejecting procedures for a child under the age of 18.

(a) As relevant to this subpart, section 1902(a)(19) of the Act requires that States ensure that care and services will be provided in a manner consistent with the best interests of the recipients.

(b) As relevant to this subpart, section 1902(a)(30)(A) of the Act requires that States' payment methods be consistent with quality of care.

§ 441.801 Definitions.

As used in this subpart—
FFP means Federal financial participation.

Female means a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs (ova).

Male means a person of the sex characterized by a reproductive system

with the biological function of (at maturity, absent disruption or congenital anomaly) producing sperm.

Sex means a person's immutable biological classification as either male or female.

Sex-rejecting procedure means, except as specified in paragraph (3) of this definition, any pharmaceutical or surgical intervention that attempts to align a child's physical appearance or body with an asserted identity that differs from the child's sex by either of the following:

(1) Intentionally disrupting or suppressing the normal development of natural biological functions, including primary or secondary sex-based traits; or

(2) Intentionally altering a child's physical appearance or body, including amputating, minimizing or destroying primary or secondary sex-based traits such as the sexual and reproductive organs.

(3) For purposes of this definition, the term *sex-rejecting procedure* does not include procedures undertaken—

(i) To treat a child with a medically verifiable disorder of sexual development; or

(ii) For purposes other than attempting to align a child's physical appearance or body with an asserted identity that differs from the child's sex; or

(iii) To treat complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedure(s).

§ 441.802 General rules.

(a) A State plan must provide that the Medicaid agency will not make payment under the plan for sex-rejecting procedures for children under the age of 18.

(b) FFP is not available in State expenditures for sex-rejecting procedures for children under the age of 18.

PART 457—ALLOTMENTS AND GRANTS TO STATES

■ 3. The authority citation for part 457 continues to read as follows:

Authority: 42 U.S.C. 1302.

■ 4. Section 457.476 is added to subpart D to read as follows:

§ 457.476 Limitations on coverage: Sex-rejecting procedures.

(a) **Basis and purpose.** The purpose of this section is to ensure that CHIP is operated in an effective and efficient manner that is coordinated with other sources of health benefits coverage, including Medicaid, for children

consistent with 2101(a) by prohibiting Federal financial participation in payments by States for sex-rejecting procedures for a child under the age of 19.

(b) The prohibition on Federal financial participation for payments by States for sex-rejecting procedures for children applies in the same manner described in Medicaid at § 441.802 to a State administering a separate CHIP except that it applies to children under the age of 19 in accordance with the definition of a targeted low-income child at § 457.310. This prohibition applies to CHIP regardless of the type of health benefit coverage option described at § 457.410. For purposes of this section, the definitions applied under Medicaid at § 441.801 apply equally to a separate CHIP.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025-23464 Filed 12-18-25; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 482

[CMS-3481-P]

RIN 0938-AV87

Medicare and Medicaid Programs; Hospital Condition of Participation: Prohibiting Sex-Rejecting Procedures for Children

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the requirements that Medicare and Medicaid certified hospitals must meet to participate in the Medicare and Medicaid programs. These changes are necessary to protect the health and safety of children and reflect HHS' review of recent information on the safety and efficacy of sex-rejecting procedures (SRPs) on children. The revisions to the requirements would prohibit hospitals from performing sex-rejecting procedures on children.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on February 17, 2026.

ADDRESSES: In commenting, please refer to file code CMS-3481-P.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the “Submit a comment” instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3481–P, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3481–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: CMS Office of Communications, Department of Health and Human Services; email press@cms.hhs.gov.

For technical inquiries: CMS Center for Clinical Standards and Quality, Department of Health and Human Services. HospitalSRPINquiries@cms.hhs.gov.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

Plain Language Summary: In accordance with 5 U.S.C. 553(b)(4), a plain language summary of this

proposed rule may be found at <https://www.regulations.gov/>.

I. Background

On January 28, 2025, President Trump signed Executive Order (E.O.) 14187 “Protecting Children from Chemical and Surgical Mutilation.”¹ In particular, Section 5(a) of the order directs the Secretary of HHS consistent with applicable law to “take all appropriate actions to end the chemical and surgical mutilation of children, including regulatory and subregulatory actions, which may involve [. . .]: Medicare or Medicaid conditions of participation or conditions for coverage.” CMS has developed this proposed rule in compliance with this E.O. As further discussed in this proposed rule, we describe CMS’ statutory authority related to patient health and safety standards (known as Medicare “Conditions of Participation” (CoPs), “Conditions for Coverage” (CfCs), or simply “Requirements”), summarize data on the rise of sex-rejecting procedures (SRPs) on children, review the latest information on SRPs in children as described in the HHS Review (the Review), provide an overview of State laws, as well as prior CMS actions on this topic. We propose to add a new section to 42 CFR part 482, subpart C that would prohibit Medicare-participating hospitals from performing sex-rejecting procedures (SRPs) on any child (§ 482.46(a)).

A. Statutory Authority

CMS has broad statutory authority under the Social Security Act (the Act) to establish health and safety regulations, which includes the authority to establish requirements that protect the health and safety of children. Section 1861(e)(9) of the Act, applicable to hospitals that participate in the Medicare program, explicitly gives CMS the authority to enact regulations that the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in a hospital, while section 1871 of the Act gives CMS the authority to prescribe regulations as necessary to carry out the administration of the program. Under this authority, the Secretary has established regulatory requirements that a hospital must meet to participate in Medicare at 42 CFR part 482, entitled “Conditions of Participation” for Hospitals. Section 1905(a) of the statute provides that Medicaid payments from

States may be applied to hospital services. Under regulations at §§ 440.10(a)(3)(iii) and 440.20(a)(3)(ii), hospitals that provide inpatient and outpatient services, respectively, to Medicaid enrollees are required to meet the Medicare CoPs to also participate in Medicaid. In this way, the CoPs regulate the safety of all patients in a facility that is subject to 42 CFR part 482, regardless of payor (for example, Medicare, Medicaid, private insurance, and self-pay).

The CoPs for hospitals include specific, process-oriented requirements for certain hospital services or departments. The purposes of these conditions are to protect patient health and safety and to ensure that quality care is furnished to all patients in Medicare-participating hospitals.

B. Sex-Rejecting Procedures for Children With Gender Dysphoria

1. The Rise of Chemical and Surgical Interventions for Children as Part of Sex-Rejecting Procedures for Gender Dysphoria

Gender dysphoria is a condition defined by the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (DSM–5–TR) as a “marked incongruence between one’s experienced/expressed gender and assigned gender” that “must also be associated with clinically significant distress or impairment in social, occupational, or other important areas of functioning.”^{2 3} Over the past decade, increasing numbers of children have been diagnosed with gender dysphoria and been treated with SRPs.^{4 5} SRPs can encompass a range of hormonal and surgical interventions: pharmacological interventions including puberty blocking medications to delay the onset of puberty, cross-sex hormone therapy to promote secondary sexual

² Coleman, E., et al. “Standards of Care for the Health of Transgender and Gender Diverse People, Version 8.” *International Journal of Transgender Health*, vol. 23, suppl. 1, 2022, pp. S1–S259. Taylor & Francis Online, doi:10.1080/26895269.2022.2100644.

³ American Psychiatric Association. *Diagnostic and Statistical Manual of Mental Disorders*. 5th ed. Edition, Text Revision, American Psychiatric Publishing, 2022, <https://doi.org/10.1176/appi.books.9780890425787>.

⁴ Coleman, Eli, et al., “Standards of Care for the Health of Transgender and Gender Diverse People, Version 8.” *International Journal of Transgender Health*, vol. 23, suppl. 1, 2022 pp. S1–S259. Taylor & Francis Online, <https://www.tandfonline.com/doi/pdf/10.1080/26895269.2022.2100644>.

⁵ Hembree, Wylie C., et al., “Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline.” *The Journal of Clinical Endocrinology & Metabolism*, vol. 102, no. 11 (13 September 2017), pp. 3869–3903, <https://academic.oup.com/jcem/article/102/11/3869/4157558>.

¹ “Protecting Children from Chemical and Surgical Mutilation.” *The White House*, 28 Jan. 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-children-from-chemical-and-surgical-mutilation/>.

characteristics associated with the opposite biological sex, and surgical procedures (such as chest/breast and genital surgery).^{6,7}

The recorded prevalence of SRPs for children with gender dysphoria varies across sources. A study published in 2023 estimated that between 2016 and 2020, nearly 3,700 children aged 12 to 18 years old diagnosed with gender dysphoria underwent SRPs (2.50 per 100,000),⁸ including an estimated 3,200 chest/breast procedures (2.17 per 100,000)⁹ and 400 genital surgeries (0.27 per 100,000).^{10,11} Another study documented that almost 0.2 percent (or almost 2 in every 1,000) of 17-year-olds¹² with private insurance received SRP hormone treatment between 2018 through 2022.^{13,14}

⁶ Coleman, Eli, et al. "Standards of Care for the Health of Transgender and Gender Diverse People, Version 8." *International Journal of Transgender Health*, vol. 23, suppl. 1, 2022, pp. S1–S259. Taylor & Francis Online, <https://doi.org/10.1080/26895269.2022.2100644>.

⁷ Hembree, Wylie C., et al. "Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline." *The Journal of Clinical Endocrinology & Metabolism*, vol. 102, no. 11, 1 November 2017, <https://academic.oup.com/jcem/article/102/11/3869/4157558>.

⁸ CMS calculation: The annual number of overall SRPs (Breast/chest surgery, genital surgery, and other cosmetic procedures) on children aged 12 to 18 years is 740. The annual estimated number of children aged 12 to 18 according to U.S. Census Bureau data is 29,600,770. This results in annual estimate of 2.17 chest/breast procedures per 100,000 children aged 12 to 18 $((643/29,600,770) \times 100,000 = 2.50)$. This calculation assumes 1 SRP per person.

⁹ CMS calculation: The annual number of breast/chest surgeries on children aged 12 to 18 years is 643. The annual estimated number of children aged 12 to 18 according to U.S. Census Bureau data is 29,600,770. This results in annual estimate of 2.17 breast/chest surgeries per 100,000 children aged 12 to 18 $((643/29,600,770) \times 100,000 = 2.17)$. This calculation assumes 1 breast/chest surgery per person.

¹⁰ CMS calculation: The annual number of genital surgeries on children aged 12 to 18 years is 81. The annual estimated number of children aged 12 to 18 according to U.S. Census Bureau data is 29,600,770. This results in annual estimate of 0.27 genital procedures per 100,000 children aged 12 to 18 $((81/29,600,770) \times 100,000 = 0.27)$. This calculation assumes 1 genital surgery is done per person.

¹¹ Wright J. D., et al. "National estimates of gender-affirming surgery in the US." *JAMA Network Open*, vol. 6, no. 8, e2330348, 23 Aug. 2023, <http://jamanetwork.com/journals/jamanetworkopen/fullarticle/2808707>.

¹² CMS calculation: Per the article, the highest rate of hormone treatment occurs at age 17 with 140 AFAB adolescents (assigned female at birth) receiving testosterone (per 100,000 is 0.14% $(140/100,000) \times 100 = 0.14\%$) and 82 AMAB adolescents (assigned male at birth) receiving estrogen (per 100,000 is 0.082% $(82/100,000) \times 100 = 0.082\%$). This results in 222 $(82+140 = 222)$ per 100,000 or 0.222 $(0.14\% + 0.082\% = 0.222)$. This calculation assumes 1 sex rejecting hormone treatment is done per person.

¹³ Hughes Landon D., et al., "Gender-affirming medications among transgender adolescents in the

While Medicare does not pay for a significant number of SRP procedures for children, we conclude that, based on the previously cited data, hospitals that participate in Medicare perform a considerable number of these procedures every year. We further note that the Medicare hospital CoPs apply to hospitals providing services to patients receiving Medicaid covered services ($(\$440.10(a)(3)(iii))$ and $440.20(a)(3)(ii)$). Approximately half of U.S. children receive health care through Medicaid.

2. Medical Evidence Regarding Sex-Rejecting Procedures in Children

The rising numbers of children seeking and receiving SRPs in recent years¹⁵ has spurred ongoing debates regarding the safety and efficacy of these interventions.

a. The HHS Review

In compliance with Executive Order (E.O.) 14187, "Protecting Children from Chemical and Surgical Mutilation"¹⁶ signed on January 28, 2025 (as discussed previously in this proposed rule), HHS released a preliminary comprehensive review of the evidence and best practices for treating pediatric gender dysphoria on May 1, 2025.¹⁷ On November 19, 2025, HHS published a final version following the conclusion of a peer review process.¹⁸ The Review provides an overview of systematic reviews—also known as an "umbrella review"—to evaluate the evidence of the benefits and harms of SRPs in children. Several existing systematic reviews of evidence that have informed health authorities in Europe were assessed for methodological quality.

The Review itself does not provide clinical or policy recommendations. Instead, it analyzes evidence and best

practices for children experiencing gender dysphoria. The Review also contains an ethics review that applies widely accepted principles of medical ethics to the practice of SRPs in children.¹⁹ Accordingly, the Review states:

"As demonstrated throughout this Review, the presuppositions that guide [pediatric medical transition (PMT)] have not been shown to be valid; the nature, probability and magnitude of risks associated with PMT have not been distinguished with sufficient clarity; PMT proponents' estimates of the probability of harm and benefit have not been shown to be reasonable, as judged by known facts and available studies; and the risks of serious impairment that PMT involves have not been shown to be justified. For these reasons, administering PMT to adolescents, even in a research context, is in tension with well-established ethical norms for human subjects research."²⁰

The Review (as further discussed in Section I.B.c. of this proposed rule) provides evidence of the clinical realities of SRPs in the United States, documenting the abandonment of medical guardrails. For example, the Review highlights how a protocol establishing SRPs in minors originated in the Netherlands and quickly spread to other Western countries without rigorous testing, and was codified in medical guidelines, which later did away with some of their already contested safeguards.²¹ The Endocrine Society (ES) incorporated puberty blockers and hormones into their 2009 and 2017 clinical practice guidelines, recommending hormonal interventions for certain pediatric patients with gender dysphoria while also acknowledging the lack of reliable evidence for these treatments.²² ES justified this recommendation in a "values and preferences" statement that places a higher priority on "avoiding a[n] unsatisfactory physical outcome when secondary sex characteristics have

US." *JAMA Pediatrics*, 179,3 (2025): 342–344. doi:10.1001/jamapediatrics.2024.6081, <https://pubmed.ncbi.nlm.nih.gov/39761053>.

¹⁴ CMS calculation: $140 + 82 = 222$. This results in an estimate of 222 SRP hormone treatment per 100,000 children aged 17, between 2018 through 2022. This calculation assumes 1 SRP hormone treatment is done per person.

¹⁵ Wright, Jason D., et al., "National Estimates of Gender-Affirming Surgery in the US." *JAMA Network Open*, vol. 6, no. 8, 23 Aug. 2023, doi:10.1001/jamanetworkopen.2023.30348, <http://jamanetwork.com/journals/jamanetworkopen/fullarticle/2808707>.

¹⁶ 90 FR 8771 (February 3, 2025).

¹⁷ U.S. Department of Health and Human Services (HHS), "Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices." *HHS Office of Population Affairs*, 1 May 2025. <https://opa.hhs.gov/gender-dysphoria-report>.

¹⁸ U.S. Department of Health and Human Services (HHS), "Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices." *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>.

¹⁹ U.S. Department of Health and Human Services (HHS), "Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices." *HHS Office of Population Affairs*, 19 Nov. 2025, <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 218–246.

²⁰ U.S. Department of Health and Human Services (HHS), "Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices." *HHS Office of Population Affairs*, 19 Nov. 2025, <https://opa.hhs.gov/gender-dysphoria-report>, Pg., 246.

²¹ Biggs, M. (2023b). The Dutch Protocol for juvenile transsexuals: Origins and evidence. *Journal of Sex & Marital Therapy*, 49(4), 348–368.

²² Hembree, Wylie C., et al., "Endocrine treatment of transsexual persons: An Endocrine Society clinical practice guideline." *Journal of Clinical Endocrinology & Metabolism*, vol. 94, 9, 2009: 3132–52/doi:10.1210/jc.2009-0354.

become manifest and irreversible” than on “avoiding potential harm from early pubertal suppression.”²³

The World Professional Association for Transgender Health (WPATH) endorsed a similar approach and most recently recommend these in their Standards of Care, Version 8 (SOC–8).²⁴ However, as carefully documented in the Review, the creation of SOC–8 marked “a clear departure from the principles of unbiased, evidence-driven clinical guideline development.”²⁵ The HHS Review cites court documents containing internal WPATH communications used when developing SOC–8 that show WPATH suppressed systematic reviews of evidence after learning that these reviews would not support its preferred medical approach. WPATH also failed to manage conflicts of interest and eliminated age minimums for hormones and most surgeries due to political pressures.²⁶ A recent systematic review of international guidelines did not recommend either the WPATH or ES guidelines for clinical use after determining they “lack developmental rigour and transparency.”²⁷

b. International Reviews of SRPs in Children

The Review also describes practice reversals in several European countries (Norway, Finland, Sweden, Denmark, United Kingdom) following systematic reviews of evidence.

In 2020, Finland’s Council for Choices in Health Care, a monitoring agency for the country’s public health services, issued guidelines stating that “gender reassignment of minors is an experimental practice.” While not banning SRPs outright, the guidelines state “based on studies examining gender identity in minors, hormonal interventions [puberty blockers,

hormone therapy] may be considered before reaching adulthood in those with firmly established transgender identities, but it must be done with a great deal of caution, and no irreversible treatment should be initiated.”²⁸ For children with gender dysphoria prior to and worsening at the onset of puberty, the report recommends that “puberty suppression treatment [that is, puberty blockers] may be initiated on a case-by-case basis after careful consideration and appropriate diagnostic examinations if the medical indications for the treatment are present and there are no contraindications.” This is similar to past recommendations, and as before, these treatments would be limited to research settings for payment by the nation’s health service. For children with gender dysphoria that have undergone puberty, the guidelines recommend that decisions regarding initiation of hormone treatment that alter sex characteristics be “based on thorough, case-by-case consideration, [. . .] [and] only if it can be ascertained that their identity as the other sex is of a permanent nature and causes severe dysphoria [. . .] and that no contraindications [that is, mental health conditions] are present.” Previously, recommendations noted that hormone therapy should not begin before age 16 in this group and that patients under 18 may receive 3 to 6 months of puberty blockers prior to beginning hormone therapy. The current report mentions no age or month specific treatment guidelines. The report continues to recommend that all such interventions be done in a research setting. The report adds that “[i]nformation about the potential harms of hormone therapies is accumulating slowly and is not systematically reported” and calls for further rigorous research of the benefits and risks of these treatments. Consistent with past recommendations, the report adds that “surgical treatments are not part of the treatment methods for dysphoria caused by gender-related conflicts in minors.”²⁹

In 2022, Sweden’s National Board of Health and Welfare (NBHW) reviewed and updated its guidelines for treatment of children with gender dysphoria.^{30 31}

²⁸ Council for Choices in Health Care Finland. “Finnish 2020 COHERE Guidelines for Minors Finland”) certified translation. IFTCC Archives, 2020, <https://archive.iftcc.org/finnish-2020-cohere-guidelines-minors-finland-certified-translation>.

²⁹ Council for Choices in Health Care Finland. “Finnish 2020 COHERE Guidelines for Minors Finland”) certified translation. IFTCC Archives, 2020, <https://archive.iftcc.org/finnish-2020-cohere-guidelines-minors-finland-certified-translation>.

³⁰ The National Board of Health and Welfare (Socialstyrelsen). “Care of children and adolescents with gender dysphoria: Summary of National

At the population level, NBHW issued “weak, negative recommendation as guidance to the healthcare system” that the risks of hormone treatment (which included gonadotropin releasing hormones (GnRH) also known as puberty blockers) and mastectomy likely outweigh the expected benefits for most adolescents. NBHW concludes that “existing scientific evidence is insufficient for assessing the effects of puberty suppressing and gender-affirming hormone therapy on gender dysphoria, psychosocial health and quality of life of adolescents with gender dysphoria.” While not banning access to SRPs, NBHW suggests restricting such treatments to exceptional circumstances or research settings, and adhering to the original “Dutch protocol” criteria including “existence of the incongruence since childhood, the stability of gender identity over time, clear distress caused by the onset of puberty, and the absence of factors that complicate the diagnostic assessment.”³² The report did not discuss SRP surgeries aside from mastectomy.

In the United Kingdom, the National Health Service (NHS) commissioned a comprehensive review of the existing literature on SRPs and the prevailing service model. The 4-year independent evaluation of pediatric gender medicine (PGM), known as the “Cass Review,” was published by Dr. Hilary Cass in April 2024. The Cass review concluded that the evidence base for SRPs in children is “remarkably weak” and recommended restructuring of the service model towards prioritization of psychotherapy.³³

In terms of research quality, the Cass Review notes that the number of studies on gender dysphoria treatment in children is very low, with small study sizes that have inconsistent metrics, low

Guidelines.” Dec. 2022. <https://www.socialstyrelsen.se/publikationer/care-of-children-and-adolescents-with-gender-dysphoria-summary-of-national-guidelines-december-2022-2023-1-8330>.

³¹ The National Board of Health and Welfare (Socialstyrelsen). “Care of children and young people with gender Dysphoria—National knowledge support with recommendations for the profession and decision makers.” 16 Dec. 2022. <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/kunskapsstod/2022-12-8302.pdf>.

³² The National Board of Health and Welfare (Socialstyrelsen). “Care of children and adolescents with gender dysphoria-summary of national guidelines.” Dec 2022, <https://www.socialstyrelsen.se/publikationer/care-of-children-and-adolescents-with-gender-dysphoria-summary-of-national-guidelines-december-2022-2023-1-8330/>.

³³ Cass, Hilary “Cass Review Final Report.” The National Archives, Apr. 2024, <https://cass.independent-review.uk/home/publications/final-report>.

²³ Hembree, Wylie C., et al. “Endocrine treatment of gender-dysphoric/gender-incongruent persons: An Endocrine Society clinical practice guideline. Endocrine Practice,” 23(12), 2017: 1437–1437.

²⁴ Coleman, Eli, et al. “Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, Version 7.” *International Journal of Transgenderism*, 13(4), 165–232.

²⁵ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, p. 181.

²⁶ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, p. 157–186.

²⁷ Taylor, Jo, et al. “Interventions to suppress puberty in adolescents experiencing gender dysphoria or incongruence: A systematic review.” *Archives of Disease in Childhood*, vol. 109, Suppl. 2, s33–s47, 30 Oct. 2024, doi:10.1136/archdischild-2023-326669.

quality methods (uncontrolled observational studies), results of low certainty, and lack of longitudinal data (that is, do not follow youth into adulthood; average duration of hormone treatment is between 1 year and 5.8 years). The Cass Review notes that this weak evidence base makes conclusions regarding the benefits versus risk of gender dysphoria treatment in children extremely difficult to assess. The Cass Review also critiques WPATH guidelines, noting that WPATH's own systemic review acknowledges a high risk of bias in study designs, small sample sizes, and confounding variables.

Regarding guideline development, the Cass Review notes that most current guidelines have not followed the international standards for guideline development, including the WPATH guidelines. As such, the Cass Review only recommends two guidelines: the Finnish guideline (2020) and the Swedish guideline (2022) as discussed above. However, the Cass Review notes that even these guidelines lack clear recommendations regarding certain aspects of practice and "would be of benefit if they provided more detailed guidance on how to implement recommendations."

While not banning access to puberty blockers, Dr. Cass concluded in a July 2023 letter that "because of the potential risks to neurocognitive development, psychosocial development and longer-term bone health, [puberty blockers] should only be offered under a research protocol [for treatment of pediatric gender dysphoria]." NHS England and National Institute for Health and Care Research (NIHR) have enacted this recommendation as of December 2024. Exceptions are permitted for non-gender dysphoria-related medical conditions (i.e. precocious puberty) and for those patients already on treatment.³⁴ For hormone interventions, the Cass Review highlights a lack of high-quality research assessing the (long-term) outcomes of hormone interventions in children with gender dysphoria. Given this weak evidence base, Dr. Cass notes that "no conclusions can be drawn about the effect [of hormone interventions] on gender dysphoria, body satisfaction, psychosocial health, cognitive development, or fertility. Uncertainty remains about the outcomes for height/growth, cardiometabolic and bone health." the Cass Review ultimately calls for caution, better

research (prospective studies with long-term outcome data), honest communication with patients about the limitations of current knowledge, and development of evidence-based guidelines that acknowledge the limitations of current evidence. Of note, in the United Kingdom, children have never received gender dysphoria related surgery as paid by the NHS; Cass therefore did not systemically review evidence for gender dysphoria related surgeries in children.

Norway and Denmark are exploring or have enacted similar restrictions, though neither have issued direct bans of SRPs. In 2023, the Norwegian Commission for the Investigation of Health Care Services (Ukom), an independent State-owned agency, made recommendations on the treatment for youth with gender dysphoria.³⁵ The recommendations consisted of: defining SRPs (that is, puberty blockers, hormonal therapies, and surgical treatment) as "experimental treatment," revising national guidelines based on a systematic knowledge summary, and consideration for a national registry to improve quality and reduce variation in patient treatment. While not banning access to SRPs, Norway's public health authority has signaled an intention to respond to UKOM's concerns with an adjustment to the current treatment guidelines.³⁶ While also not banning access to SRPs, Denmark has also taken a cautious approach to hormone interventions (that is, puberty blockers and cross-sex hormones) pending more evidence of its beneficial effects becoming available.³⁷ Notably, Denmark does not offer surgical treatment to children with gender dysphoria before age 18 as paid for by its national health service.³⁸ Other countries that have considered or restricted various gender

dysphoria treatments for children include Italy,³⁹ Brazil,⁴⁰ New Zealand,⁴¹ and Australia.⁴²

c. Medical Professional Societies Supporting SRPs

We are aware that major medical organizations⁴³ (including the American Medical Association (AMA),⁴⁴ the American Academy of Pediatrics (AAP),⁴⁵ and the American Psychological Association^{46 47}) have issued statements supporting access to SRPs, including for children. The most influential sources of clinical guidance for treating pediatric gender dysphoria in the U.S. are the WPATH and the ES clinical practice guidelines and the AAP guidance document.⁴⁸ We reviewed

³⁹ Armellini, Alvise. "Italy moves to tighten controls on gender-affirming medical care for minors." *Reuters*. 5 Aug. 2025. <https://www.reuters.com/business/healthcare-pharmaceuticals/italy-moves-tighten-controls-gender-affirming-medical-care-minors-2025-08-05>.

⁴⁰ AFP. "Brazil prohibits hormone therapy for transgender minors." *MSN News*. 17 Apr. 2025. <https://www.msn.com/en-in/news/other/brazil-prohibits-hormone-therapy-for-transgender-minors/ar-AA1D6617>.

⁴¹ Corlett, Eva. "New Zealand Bans Puberty Blockers for Young Transgender People." *The Guardian*, Guardian News and Media, 19 Nov. 2025. <https://www.theguardian.com/world/2025/nov/19/new-zealand-bans-new-prescriptions-of-puberty-blockers-for-young-transgender-people>.

⁴² Australian Associated Press. "Queensland halts prescription of puberty blockers and hormones for children with gender dysphoria." *The Guardian*, 28 Jan. 2025. <https://www.theguardian.com/australia-news/2025/jan/28/queensland-halts-prescription-of-puberty-blockers-and-hormones-for-children-with-gender-dysphoria>.

⁴³ Advocates For Trans Equality. "Medical Organization Statements." *A4TE's Trans Health Project*, <https://transhealthproject.org/resources/medical-organization-statements/>.

⁴⁴ "Clarification of Evidence-Based Gender-Affirming Care H-185.927." *American Medical Association Policy Finder*, American Medical Association, 2024, <https://policysearch.ama-assn.org/policyfinder/detail/%22Clarification%20of%20Evidence-Based%20Gender-Affirming%20Care%22?uri=%2FAMADoc%2FHOD-185.927.xml>.

⁴⁵ Alyson Sulaski Wyckoff, "AAP continues to support care of transgender youths as more states push restrictions," *AAP News*, 6 Jan. 2022, <https://publications.aap.org/aapnews/news/19021/AAP-continues-to-support-care-of-transgender>.

⁴⁶ "APA adopts groundbreaking policy supporting transgender, gender diverse, nonbinary individuals," *American Psychological Association*, released February 28, 2024, <https://www.apa.org/news/press/releases/2024/02/policy-supporting-transgender-nonbinary>.

⁴⁷ "Criminalizing Gender Affirmative Care with Minors," *American Psychological Association*, accessed September 2, 2025, <https://www.apa.org/topics/lgbtq/gender-affirmative-care>.

⁴⁸ The American Academy of Pediatrics' (AAP) 2018 Policy Statement was reaffirmed in 2023 (Rafferty et al., 2018); the Endocrine Society's (ES) published in 2017 represents the most recent published version (Hembree et al., 2017); the World Professional Association for Transgender Health's (WPATH) most recent clinical practice guideline is

Continued

³⁴ Department of Health and Social Care. "Ban on puberty blockers to be made indefinite on experts' advice." *GOV.UK*, 11 Dec. 2024. <https://www.gov.uk/government/news/ban-on-puberty-blockers-to-be-made-indefinite-on-experts-advice>.

³⁵ Norwegian Healthcare Investigation Board (Ukom). "Pasientsikkerhet for barn og unge med kjønnsinkongruens [Patient safety for children and adolescents with gender incongruence]." March 2023, <https://ukom.no/rapporter/pasientsikkerhet-for-barn-og-unge-med-kjønnsinkongruens/sammendrag>.

³⁶ Block, Jennifer. "Norway's guidance on paediatric gender treatment is unsafe, says review," *BMJ (Clinical research ed.)* vol. 380 697, 23 Mar. 2023, <https://doi.org/10.1136/bmj.p697>.

³⁷ Hansen, Mette Vinther et al., "Sundhedsfaglige tilbud til børn og unge med kønsuhbehag [Healthcare services for children and adolescents with gender dysphoria]," *Ugeskrift for Læger [The Journal of the Danish Medical Association]* 3 July 2023, <https://ugeskriftet.dk/videnskab/sundhedsfaglige-tilbud-til-born-og-unge-med-konsuhbehag>.

³⁸ Hansen, Mette Vinther et al., "Sundhedsfaglige tilbud til børn og unge med kønsuhbehag [Healthcare services for children and adolescents with gender dysphoria]," *Ugeskrift for Læger [The Journal of the Danish Medical Association]* 3 July 2023, <https://ugeskriftet.dk/videnskab/sundhedsfaglige-tilbud-til-born-og-unge-med-konsuhbehag>.

each of these documents and agree with the HHS Review that discusses the conclusions of a recent systematic review of international guideline quality by researchers at the University of York (the York Appraisal) that found all three documents are very low quality and should not be implemented.⁴⁹

As the HHS Review notes regarding the role of medical organizations in the treatment of pediatric gender medicine:

“U.S. medical associations played a key role in creating a perception that there is professional consensus in support of pediatric medical transition. This apparent consensus, however, is driven primarily by a small number of specialized committees, influenced by WPATH. It is not clear that the official views of these associations are shared by the wider medical community, or even by most of their members. There is evidence that some medical and mental health associations have suppressed dissent and stifled debate about this issue among their members.”⁵⁰

The Endocrine Society (ES) issued clinical practice guidelines in 2017 entitled “Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons.”⁵¹ As the HHS Review notes:

“In WPATH and ES guidelines, the principal goal of CSH administration is to induce physical characteristics typical of the opposite sex. When hormone levels rise beyond the typical reference range for a person’s sex, they are considered supraphysiologic. ES guidelines suggest that the sex an individual identifies as—as opposed to their biological sex—should determine the target reference range for hormonal concentrations. Critics have argued that perceived identity does not alter physiological processes and that such a belief can result in inappropriate and potentially dangerous hormone dosing.”⁵²

The HHS Review states:

“The ES 2017 guideline, which used the GRADE [Grading of Recommendations Assessment,

Development and Evaluation] framework, has been criticized for making strong recommendations for hormonal interventions in the setting of a weak evidence base. Notably, none of the systematic reviews that supported the ES guidelines were based on outcomes for children or adolescents. The ES recommendation to initiate puberty blockade using gonadotropin-releasing hormone agonists was derived by putting a higher value on achieving a “satisfactory physical appearance” while putting the lowest value on avoiding physical harms. The ES recommendation for the initiation of cross-sex hormones no earlier than age 16 was justified by placing a higher value on adolescent’s purported ability to meaningfully consent to cross-sex hormones (CSH) and placing a lower value on avoiding harm from potentially prolonged pubertal suppression.”⁵³

As explained in Chapter 9 of HHS Review, the guidelines issued by the World Professional Association for Transgender Health (WPATH) “have been rated among the lowest in quality and have not been recommended for implementation by systematic reviews (SRs) of guidelines.”⁵⁴ As the HHS Review points out: “Despite their lack of trustworthiness, for more than a decade WPATH guidelines have served as the foundation of the healthcare infrastructure for gender dysphoric (GD) youth in the United States. The WPATH Standards of Care guidelines are embedded in nearly all aspects of healthcare including clinical education, delivery of care, and reimbursement decisions by private and public insurers.”⁵⁵ In 2022, WPATH issued guidelines entitled “Standards of Care for the Health of Transgender and Gender Diverse People, Version 8” (SOC–8).⁵⁶ These guidelines relaxed eligibility criteria for children to access sex-rejecting procedures and ultimately recommends that adolescents wishing to

undergo sex-rejecting procedures receive them. Besides the problems identified in systematic reviews of international guidelines, as the HHS Review states, “in the process of developing SOC–8, WPATH suppressed systematic reviews its leaders believed would undermine its favored treatment approach. SOC–8 developers also violated conflict of interest management requirements and eliminated nearly all recommended age minimums for medical and surgical interventions in response to political pressures.”⁵⁷ The HHS Review goes on to explain: “The recommendations are couched in cautious-sounding language, stating that GD should be “sustained over time,” particularly before administering CSH. However, no clear standard is set; the only guidance offered is the vague and clinically meaningless phrase “several years”, leaving critical decisions open to broad and subjective interpretation.”⁵⁸

Regarding the WPATH guidelines, the HHS review states:

“On the surface, WPATH SOC–8 might appear to recommend a cautious approach toward assessment. Mental health providers are to conduct a “comprehensive biopsychosocial assessment” prior to initiating medical interventions in order “to understand the adolescent’s strengths, vulnerabilities, diagnostic profile, and unique needs to individualize their care.”⁵⁹ At the same time, however, WPATH recommends that clinicians use the International Classification of Diseases (ICD–11) diagnosis of “Gender Incongruence of Adolescence and Adulthood,” which, unlike the DSM–5 diagnosis of “Gender Dysphoria,” requires only “marked and persistent incongruence between an individual’s experienced gender and the assigned sex.”⁶⁰ Because SOC–8 defines transgender in a similar way (“people whose gender identities and/or gender expressions are not what is typically

Standards of Care, Version 8 (SOC–8) (Coleman et al., 2022).

⁴⁹ HHS Review pg. 141.

⁵⁰ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, pg. 15.

⁵¹ Wylie C. Hembree et al. “Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline,” *The Journal of Clinical Endocrinology & Metabolism* 102, no. 11 (2017): 3869–3903, <https://doi.org/10.1210/je.2017-01658>.

⁵² U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 124.

⁵³ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 147.

⁵⁴ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, pg. 157.

⁵⁵ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, pg. 157.

⁵⁶ E. Coleman et al., “Standards of Care for the Health of Transgender and Gender Diverse People, Version 8,” *International Journal of Transgender Health*, vol. 23, suppl. 1, 2022, pp. S1–S259. *Taylor & Francis Online*, <https://doi.org/10.1080/26895269.2022.2100644>.

⁵⁷ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 14.

⁵⁸ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 165.

⁵⁹ E. Coleman et al., “Standards of Care for the Health of Transgender and Gender Diverse People, Version 8,” *International Journal of Transgender Health*, vol. 23, suppl. 1, 2022, pp. S1–S259. *Taylor & Francis Online*, <https://doi.org/10.1080/26895269.2022.2100644>.

⁶⁰ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 194.

expected for the sex to which they were assigned at birth”) and provides no meaningful distinction between this meaning of transgender and gender non-conformity, SOC-8 effectively recognizes transgender identification as a medical condition justifying medical interventions.”⁶¹

While AMA and the AAP have not issued their own treatment guidelines, they support the ES and WPATH guidelines, as discussed previously in this proposed rule. AAP issued a policy statement in 2018 supporting the use of puberty blockers, cross-sex hormones, and surgeries for minors.⁶² In support of sex-rejecting surgeries, AAP stated that while “current protocols [(ES, WPATH)] typically reserve surgical interventions for adults, they are occasionally pursued during adolescence on a case-by-case basis, considering the necessity and benefit to the adolescent’s overall health and often including multidisciplinary input from medical, mental health, and surgical providers as well as from the adolescent and family.” The AAP reaffirmed its policy statement in 2023 but also stated that it was conducting its own review of the evidence and guideline development—which still has not been released.⁶³

Regarding the AAP policy statement, the HHS Review states:

“The AAP 2018 policy statement is not technically a CPG [clinical practice guideline] but has been widely cited in the U.S. as influential in establishing how pediatricians respond to children and adolescents with GD [gender dysphoria].⁶⁴ Because the document offers extensive clinical recommendations regarding every step of PMT—from social transition to PBs [puberty blockers], CSH [cross-sex hormones], and surgery—the York team assessed the trustworthiness of the AAP guidance using the same criteria they applied to CPGs. Using the AGREE II criteria, the AAP policy statement

received the second-lowest average score among all international guidelines: 2 out of 7. As noted in Chapter 2, the AAP policy statement’s use of “gender diverse” casts a very wide net regarding which patients the organization considers eligible for medical intervention. The statement has been heavily criticized in peer-reviewed articles, which have pointed out that it is rife with referencing errors and inaccurate citations. Despite persistent advocacy among its members, who have petitioned the organization to release updated, evidence-based guidance for treating pediatric GD, the organization chose to reaffirm their policy statement in 2023.”⁶⁵

We solicit comment of any published peer-reviewed findings that measure the effects of restrictions similar to those in this proposed rule on insurers, providers, and patients in international settings as well as the U.S.

3. U.S. Legal Landscape Regarding Sex-Rejecting Procedures

The United States has seen a high level of activity both at the State level and within the judicial system on this topic in recent years.

a. U.S. State Laws

Several States and territories have adopted laws reflecting their views of the evidence on SRPs for children with 28 restricting and 15 protecting this treatment. As of August 2025, 27 States and one territory have laws limiting or prohibiting some or all SRPs for children.⁶⁶ These include Alabama, Arkansas, Arizona, Florida, Georgia, Iowa, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Montana, North Carolina, New Hampshire, North Dakota, Nebraska, Ohio, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming. Of these, 2 States’ laws or policies (Montana and Arkansas) are pending resolution of ongoing legal challenges (as of August 2025).

States with such laws or policies apply them to varying age ranges. Twenty-five States prohibit certain SRPs in individuals under the age of 18. Two States (Nebraska and Alabama) prohibit them for those under the age of 19.

Puerto Rico prohibits such procedures for those under the age of 21.

Which SRPs (that is puberty blockers, hormone therapy, and surgery) are banned for children varies by State. As of August 2025, 25 States have laws that prohibit access to puberty blockers, hormone therapies, and gender dysphoria related surgeries for children. Two States (New Hampshire and Arizona) have restrictions on surgery (but permit endocrine SRPs) for this population. No State bans only medications without also banning surgical procedures.⁶⁷

All the States and the territory with restrictions provide exceptions to the law/policies. The most common exceptions include:

- Children born with medically verifiable disorder of sex development. This allows treatment for children who are born with medical conditions that affect their sexual development. These are rare conditions where a child’s reproductive or sexual anatomy does not develop in typical ways due to genetic, hormonal, or other factors that can be medically verified.

- Children who have been diagnosed with a disorder of sexual development by a physician through genetic or biochemical testing.

- Treatment for any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of SRPs.

- Children suffering from physical disorders, physical injuries, or physical illnesses that would otherwise place the children in danger of death or impairment of bodily function.

We note that 12 States provide tapering off periods for patients who started puberty blockers or hormones before enactment of the restriction, with some specifying specific dates (for example, in South Carolina services cannot go beyond January 31, 2025) and others specifying a period of time from the date of enactment (ranging between 6 months and 1 year). Ten States have grandfather clauses primarily allowing children who were already receiving treatment to continue receiving it indefinitely.

Conversely, 14 States and the District of Columbia have shield laws protecting SRPs, and three other States have E.O.s protecting these procedures.⁶⁸ These

⁶¹ U.S. Department of Health and Human Services (HHS) “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 194–195.

⁶² Rafferty, Jason, et al. “Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents.” *Pediatrics*, vol. 142, no. 4, 1 Oct. 2018, doi:10.1542/peds.2018–2162.

⁶³ Wyckoff, Alyson Sulaski. “AAP reaffirms gender-affirming care policy, authorizes systematic review of evidence to guide update.” *AAP News*, August 4, 2023, <https://publications.aap.org/aapnews/news/25340/AAP-reaffirms-gender-affirming-care-policy>.

⁶⁴ U.S. Department of Health and Human Services (HHS) “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 148.

⁶⁵ U.S. Department of Health and Human Services (HHS) “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 148, 149.

⁶⁶ Dawson, L., Kates, J. “Policy Tracker: Youth Access to Gender Affirming Care and State Policy Restrictions.” *KFF*, 21 Aug. 2025 [24 Nov. 2025], <https://www.kff.org/other/dashboards/gender-affirming-care-policy-tracker>.

⁶⁷ American Psychological Association. “Navigating the legal landscape: FAQs on gender affirming care for minors.” *American Psychological Association*, 28 Jun. 2024, <https://www.apaservices.org/practice/legal/managed/legal-landscape-gender-care-minors>.

⁶⁸ “Equality Maps: Transgender Healthcare ‘Shield’ Laws.” *Movement Advancement Project*, Continued

States are (not including the District of Columbia): Arizona,⁶⁹ California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington. Shield laws and State E.O.s often describe SRPs broadly, including medications and procedures, and include these under broader definitions of protected healthcare activities. These laws often protect providers from adverse action by medical malpractice insurers and licensure boards and allow for their address to remain confidential. One State (Maine) has a shield law that allows children 16 and over to receive hormone therapy when the guardian has refused SRPs. Four States explicitly provide child abuse and child custody protections for parents who supported their children in receiving specified procedures. Four State shield laws and E.O.s have requirements for SRPs to be covered under health plans. Arizona requires coverage for State employee health plans. Illinois, Oregon, and Vermont require some level of SRPs coverage by all health insurance providers. Vermont includes an exception for services that do not comply with Federal law.

b. United States Supreme Court

Recently, the Supreme Court in *United States v. Skrmetti*, 145 S. Ct. 1816 (2025) upheld Tennessee's law (referred to as Senate Bill 1; SB 1) banning certain surgical and chemical interventions for children with gender dysphoria, in litigation challenging that law under the Equal Protection Clause of the U.S. Constitution. SB1 prohibits a healthcare provider from performing medical procedures, including surgery, and prescribing puberty blockers, for a child for the purpose of enabling the child to identify with a purported identity inconsistent with the child's sex. At the same time, SB1 allows healthcare providers to perform medical procedures for children if the procedure is to treat a child's congenital defect, precocious puberty, disease, or physical injury. On June 18, 2025, the Court found that SB1's prohibition of certain medical procedures for children with gender dysphoria incorporates classifications based on age and medical use—not the child's sex. As a result of these classifications based on age and

medical use, the Court held that SB1 was not subject to heightened scrutiny under the Equal Protection Clause of the Fourteenth Amendment and the law satisfied so called "rational basis" review.

4. CMS Actions

The proposed rule is animated by significant child safety concerns when SRPs are used for certain medical uses—that is to align a child's physical appearance or body with an asserted identity that differs from the child's biological sex. CMS published a formal guidance letter to State Medicaid Directors regarding SRPs on April 11, 2025, reminding States of their responsibility to ensure that Medicaid payments are consistent with quality of care and that covered services are provided in a manner consistent with the best interest of recipients.⁷⁰ In addition, the Administrator of CMS sent a letter issued on May 28, 2025, to a number of hospitals addressing significant issues concerning quality standards and specific procedures affecting children. The letter requested that the recipient hospitals provide CMS with copies of certain hospital policies and procedures on the adequacy for informed consent protocols for children with gender dysphoria, including how hospitals determine that children are capable of making these potentially life changing decisions and when parental consent is required; describe any changes to clinical practice guidelines and protocols that the institution plans to enact in light of the recent comprehensive review and guidance released by the Department; provide CMS with medical evidence of any adverse events related to these procedures, particularly in children who later sought to detransition; and complete financial data for all pediatric SRPs performed at the institution and paid, in whole or in part, by the Federal Government.⁷¹

In addition, on May 28, 2025, Secretary Kennedy wrote to hospitals, health care providers, health care risk managers, and State medical boards across the nation, asking them to read the HHS Review, and to make necessary

updates to their "treatment protocols and training for care for children and adolescents with gender dysphoria to protect them from these harmful interventions."⁷²

These letters reaffirmed CMS' and HHS' commitment to following the highest standards of care and to adhering closely to the foundational principles of medicine, especially relating to doing no harm to America's children and in alignment with CMS's obligations to ensure baseline quality standards at institutions participating in the Medicare and Medicaid programs.

II. Provisions of the Proposed Regulations

We have undertaken a review of the current hospital health and safety standards (known as the CoPs) as well as the latest information regarding SRPs in children to ensure hospitals are best protecting the health and safety of children. The evidence as presented in the Review (see section I.B.2. of this proposed rule) indicates that SRPs lack the necessary outcomes data on safety and long-term effectiveness. CMS takes very seriously the absence of rigorous scientific data demonstrating the safety and effectiveness of SRPs and the considerable evidence regarding the risks. Based on this, we believe that certain SRPs (namely pharmaceutical and surgical interventions) are not consistent with the health and safety of children, given the risk of significant (long term) harms, known complications, and weak and uncertain evidence of benefits.

We therefore propose to add a new section to 42 CFR part 482, subpart C that would prohibit Medicare and Medicaid-participating hospitals from performing sex-rejecting procedures (SRPs) on any child (§ 482.46(a)). As set out in proposed § 482.46(a)(5), we propose to define SRPs as any pharmaceutical or surgical intervention that attempts to align an individual's physical appearance or body with a stated identity that differs from the individual's sex by either (1) intentionally disrupting or suppressing the development of biological functions, including primary or secondary sex-based traits or (2) intentionally altering an individual's physical appearance or body, including removing, minimizing, or permanently impairing the function of primary or secondary sex-based traits such as the sexual and reproductive organs.

n.d., accessed 11 August 2025, https://www.lgbtmap.org/equality-maps/healthcare/trans_shield_laws.

⁶⁹ Arizona banned SRPs for transgender minors in 2022, but in 2023 the governor issued an executive order with "shield" style protections for SRPs that are still legal in the State.

⁷⁰ Department of Health & Human Services, Centers for Medicaid & CHIP Services. "Puberty blockers, cross-sex hormones, and surgery related to gender dysphoria." Received by State Medicaid Director, 7500 Security Blvd. Mail Stop S2-26-12, 11 Apr. 2025, Baltimore, Maryland, <https://www.cms.gov/files/document/letter-stm.pdf>.

⁷¹ Department of Health & Human Services, Centers for Medicare and Medicaid Services. "Urgent Review of Quality Standards and Gender Transition Procedures." 28 May 2025, Washington, DC, www.cms.gov/files/document/hospital-oversight-letter-generic.pdf.

⁷² U.S. Department of Health & Human Services [@HHSGov]. X (formerly Twitter), 28 May 2025, <https://x.com/HHSGov/status/1927791449476567043>.

We propose at § 482.46(a)(1) through (4) to include several additional definitions critical to interpreting the proposal. We propose that the term “child” be defined as any individual younger than 18 years of age. We further propose that the term “female” be defined as an individual of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs (ova). We propose that the term “male” be defined as an individual of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing sperm. Finally, we propose that the term “sex” is defined as an individual’s immutable biological classification as either male or female.

At § 482.46(b), we are proposing exceptions to § 482.46(a) to protect the health and safety of children in certain rare and exceptional circumstances. Proposed exceptions include:

- *Procedures to treat an individual with a medically verifiable disorder of sexual development (§ 482.46(b)(1)).* This allows treatment for children who are born with certain medical conditions that affect their sexual development. These are rare conditions where a child’s reproductive or sexual anatomy does not develop in typical ways due to genetic, hormonal, or other medical factors that can be medically verified and documented. Examples include a child with external biological sex characteristics that are irresolvably ambiguous, such as those born with 46 XX chromosomes with virilization, 46 XY chromosomes with under-virilization, or having both ovarian and testicular tissue.

- *Procedures for purposes other than attempting to align an individual’s physical appearance or body with an asserted identity that differs from the individual’s sex (§ 482.46(b)(2)).* This permits procedures that are done for reasons entirely separate from changing a child’s physical appearance to match a gender identity that differs from their biological sex, including procedures for children with a physical disorder, injury, or physical illness. In other words, the procedure must have a purpose separate from intending to change the body to not correspond to one’s biological sex.

- *Treating Complications (§ 482.46(b)(3)).* This exception allows treatment for any infections, injuries, diseases, or other medical disorders that were caused by or made worse by previous SRPs. This exception allows physicians or other licensed

practitioners to treat complications that arise from these procedures.

While we are proposing certain exceptions, any procedures or treatments under these exceptions must still be performed with the consent of the child’s parent or legal guardian, as currently required under the patient rights CoP at § 482.13(b)(2), the medical records CoP at § 482.24 (c)(4)(v), the surgical services CoP at § 482.51(b)(2), and in compliance with applicable State law(s).

Practice of Medicine

Under Section 1801 of the Act, CMS may not “exercise any supervision or control over the practice of medicine or the manner in which medical services are provided, (42 U.S.C. 1395). However, we believe that providing the SRPs for children is not healthcare and hence are not subsumed under the term of “the practice of medicine.” Therefore, the proposed rule would not regulate the practice of medicine. As the Review notes regarding SRPs, when “medical interventions pose unnecessary, disproportionate risks of harm, healthcare providers should refuse to offer them even when they are preferred, requested, or demanded by patients.”⁷³ As the Review states, “in the domain of pediatrics, these norms limit the authority not only of patients (who in any case lack full decision-making capacity) but of parents as well.”⁷⁴ The first obligation of the physician, under the Hippocratic Oath, originating in the fourth century BC, is to first do no harm, as the purpose of the practice of medicine is to heal. SRPs introduce a unique set of iatrogenic harms, especially, “surgeries to remove healthy and functioning organs.”⁷⁵ The Review states: “to discharge their duties of nonmaleficence and beneficence, clinicians must ensure, insofar as reasonably possible, that any interventions they offer to patients have clinically favorable risk/benefit profiles relative to the set of available alternatives, which includes doing nothing.”⁷⁶ As related previously in

⁷³ U.S. Department of Health and Human Services (HHS) “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report> Pg. 15.

⁷⁴ U.S. Department of Health and Human Services (HHS) “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report> Pg. 225.

⁷⁵ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 128.

⁷⁶ U.S. Department of Health and Human Services (HHS) “Treatment for Pediatric Gender Dysphoria,

this proposed rule, the risk-benefit profile of these procedures for children is extremely poor. At the same time,” the Review notes, “there is increasing recognition of the risk and harms associated” with pediatric sex-rejecting procedures, including “possible outcomes, such as impaired cognitive function, greater susceptibility to hormone-sensitive cancers, cardiac disease, reduced bone density, sexual dysfunction, infection, and infertility [that] are objectively detrimental to health” The Review concludes that “[s]uch medical harms, or plausible risks thereof, should not be imposed on children or adolescents in the absence of a reasonable expectation of proportionate medical benefit.”⁷⁷

There are other considerations for why the regulations proposed in this rule do not regulate the practice of medicine. A person’s body (including its organs, organ systems, and processes natural to human development like puberty) are either healthy or unhealthy based on whether they are operating according to their biological functions. Organs or organ systems do not become unhealthy simply because the individual may experience psychological distress relating to his or her sexed body. For this reason, removing a patient’s breasts as a treatment for breast cancer is fundamentally different from performing the same procedure solely to alleviate mental distress arising from gender dysphoria. The former procedure aims to restore bodily health and to remove cancerous tissue. In contrast, removing healthy breasts or interrupting normally occurring puberty to “affirm” one’s “gender identity” involves the intentional destruction of healthy biological functions. This is not health care and hence imposing restrictions as this rule proposes does not limit the practice of medicine. The Review further notes there is lack of clarity about what SRPs’ fundamental aims are, unlike the broad consensus about the purpose of medical treatments for conditions like appendicitis, diabetes, or severe depression.⁷⁸ Rather as discussed above, these procedures lack strong evidentiary foundations, and our

Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 226.

⁷⁷ U.S. Department of Health and Human Services (HHS) “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report> Pg. 227–228.

⁷⁸ U.S. Department of Health and Human Services (HHS). “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices.” *HHS Office of Population Affairs*, 19 Nov. 2025. <https://opa.hhs.gov/gender-dysphoria-report>, Pg. 24–26.

understanding of long-term health impacts is limited and needs to be better understood. Nothing in this proposed rule prohibits or permits the basic legality of SRPs. Rather, this proposed rule would ensure patient safety and medical integrity. CMS would no longer directly or indirectly support harm to children by allowing facilities that engage in such harmful practices to receive Medicare and Medicaid funds.

III. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. To fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for the following section of this document that contains information collection requirements (ICRs).

A. Hospital Notifications to Patients

Proposed § 482.46 would require that hospitals not perform sex-rejecting procedures (SRPs) on children, barring certain exceptions. We expect that hospitals that are currently performing these procedures on children would need to inform the child and their parents or legal guardian who are seeking such procedures that they no longer perform such procedures. Based on our experience, we expect that the child's physician or the licensed practitioner providing this care would spend an average of 30 minutes writing each notification. In addition, they would spend 30 minutes answering any questions from the child and their parents or legal guardian. This leads to a total burden of 1 hour per patient.

To calculate the total provider burden across all patients, we first examined State laws and found that 25 States have

active laws restricting SRPs.⁷⁹ Given these State laws that already prohibit these procedures, we do not expect that physicians or licensed practitioners in these States would be writing a significant number of notifications. While acknowledging that some children living in these States may be traveling to States that permit SRPs for children, we do not expect that this is a large number of children for two reasons. First, across States with these restrictions, nearly 45 percent of children were enrolled in Medicaid or CHIP as of March 2025 and these programs would not fund SRPs outside the State.⁸⁰ Second, a recent study showed that across States with restrictions on SRPs, the average driving time to the nearest clinic in a State without restrictions was 5.3 hours, with the average time in Florida reaching 9 hours.⁸¹ As such, we base our estimate on the number of children affected for children in States that currently do not have restrictions but seek comments on this assumption.

The second step was to identify the number of individuals under the age of 18 who live in States that allow SRPs. We combined information on State restrictions with Census Bureau population estimates⁸² and found that there are approximately 8,674,717 females and 9,165,563 males between the ages of 10 and 17 living in States that do not have active laws restricting SRPs. While acknowledging that children younger than 10 may be receiving SRPs, we believe this is a reasonable estimate of the population affected by the proposed requirement.

The third step was to identify the number of individuals under 18 years of age who may be receiving SRPs. A recent study⁸³ found that among

children between the ages of 8 and 17 covered by private insurance, males received puberty blockers and hormones at a rate of 15.22 per 100,000 and 25.34 per 100,000, respectively. Meanwhile, females received puberty blockers and hormones at a rate of 20.81 per 100,000 and 49.9 per 100,000, respectively. Applying these rates to the number of males and females in States without active laws restricting SRPs,⁸⁴ we estimate that there are approximately 6,651 individuals receiving hormones and 3,200 individuals receiving puberty blockers for a total of 9,851 individuals. As the authors note, these rates are more likely to be generalizable to patients with private insurance in large care plans and they expect lower rates for those utilizing Medicaid and in less comprehensive care plans. Another study⁸⁵ used national data to estimate the rate of sex rejecting surgical procedures and found that in 2019, there were approximately 85 sex-rejecting surgical procedures for children with a gender dysphoria diagnosis. The same as our estimates for the number of children receiving puberty blockers and hormones, this estimate is for insured patients and there may be lower rates for those utilizing Medicaid and in less comprehensive care plans. Given the overlap in treatment for some patients who may receive both surgical procedures and hormones, we estimate that a maximum of 9,851 individuals under the age of 18 are receiving SRPs.

While hospitals often prescribed puberty blockers and hormone replacement therapy as part of sex-rejecting procedures, primary care providers and endocrinologists outside of hospitals, who would not be affected by these requirements, can also prescribe these treatments. A recent analysis found that approximately 52 percent of primary care physicians were not affiliated with a hospital.⁸⁶ We do not know the share of children receiving puberty blockers or hormone replacement therapy outside the hospital setting and, therefore, would not need to receive notification that

⁷⁹ Dawson, L., Kates, J. "KFF Analysis of State Laws and Policies Restricting Minor Access to Gender Affirming Care." *KFF*, 24 Nov. 2025, <https://www.kff.org/other/dashboard/gender-affirming-care-policy-tracker/>.

⁸⁰ Centers for Medicare & Medicaid Services. "State Medicaid and CHIP Applications, Eligibility Determinations, and Enrollment Data." *Data.Medicaid.gov*, <https://data.medicicaid.gov/dataset/6165f45b-ca93-5bb5-9d06-0db29c692a360/data>. Accessed 6 Aug. 2025.

⁸¹ Borah, Luca et. al. "State Restrictions and Geographic Access to Gender-Affirming Care for Transgender Youth." *JAMA*, vol. 330, 4 (2023): 375–378. doi: 10.1001/jama.2023.11299.

⁸² U.S. Census Bureau, U.S. Department of Commerce. "Age and Sex." American Community Survey, ACS 1-Year Estimates Subject Tables, Table S0101, <https://data.census.gov/table/ACSST1Y2023.S0101?q=population+by+age+by+state>. (Accessed 26 Jul. 2025).

⁸³ Hughes Landon D. et al. "Gender-Affirming Medications Among Transgender Adolescents in the US, 2018–2022." *JAMA Pediatrics*, vol. 179, 3, (2025): p.342–344. doi:10.1001/jamapediatrics.2024.6081.

⁸⁴ Dawson, L., Kates, J. "KFF Analysis of State Laws and Policies Restricting Minor Access to Gender Affirming Care." *KFF*, 24 Nov. 2025, <https://www.kff.org/other/dashboard/gender-affirming-care-policy-tracker/>.

⁸⁵ Dai Dannie, et al. "Prevalence of Gender-Affirming Surgical Procedures Among Minors and Adults in the US." *JAMA Network Open*, vol. 7, 6, 27 Jun. 2024, doi:10.1001/jamanetworkopen.2024.18814.

⁸⁶ Singh, Yashaswini et al. "Growth of Private Equity and Hospital Consolidation in Primary Care and Price Implications." *JAMA Health Forum* vol. 6, 1 e244935. 3 Jan. 2025, doi:10.1001/jamahealthforum.2024.4935.

SRPs were no longer offered. Assuming that 25 percent of children are receiving care from primary care physicians or endocrinologists and that 52 percent of these providers are outside the hospital system, then 8,570 of the 9,851 children receiving treatment as identified above would need to receive notices and have discussions with their treating physician or licensed practitioner. We seek comments on data sources on the number of children receiving puberty blockers or hormone replacement therapy outside the hospital setting who

would not be affected by the proposed requirement.

To estimate the total cost for this requirement, we assumed that a physician would write these notices. We calculated the physician's hourly rate by doubling the national mean salary for physicians (occupation code 29–1210) using the BLS' May 2024 National Occupational Employment and Wage Estimates for hospitals (NAICS code 622000),⁸⁷ leading to an hourly cost of \$226.18 ($\$113.09 \times 2$). We doubled the mean salary since the BLS data do not

include overhead costs and fringe benefits. The HHS wide guidance on preparation of regulatory and paperwork burden estimates states that doubling salary costs is a good approximation for including these overhead and fringe benefit costs. Utilizing these data, in Table 1, we estimate that this requirement would cost \$1,938,363. We seek comments on the estimated time burden for physicians to provide written notices to their patients that the hospital is no longer providing SRPs.

TABLE 1—NOTIFICATION LETTERS TO PATIENTS

Employee type	Average hourly rate	Hours per patient	Number of patients	Total cost	Total hourly cost
	(a)	(b)	(c)	(d = a × b × c)	(e = b × c)
Physician	\$226.18	1	8,570	\$1,938,363	8,570

B. Updating Hospital Policies and Procedures

In addition to sending out notices to patients that they are no longer providing SRPs, hospitals will need to update their policies and procedures to ensure that they align with the proposed requirements.

To estimate the cost for hospitals to update their policies and procedures, we used data from the BLS' May 2024 National Occupational Employment and Wage Estimates for hospitals (NAICS code 622000),⁸⁸ and doubled the mean salary since the BLS data do not include overhead costs and fringe benefits. Based on our experience, we estimate that updating the hospital's policies and procedures related to SRPs for children would take 3 hours of work from a

physician (occupation code 29–1210) at \$678.54 ($\$226.18 \times 3$ hours) and a member of the clerical staff (occupation code 43–6010) at \$143.40 ($\$47.80 \times 3$ hours), and 3 hours of work from a lawyer (occupation code 23–1010) at \$650.16 ($\$216.72 \times 3$ hours) to review the updated policies and procedures to ensure that they meet the legal guidelines. This leads to a total per facility cost of \$1472.10.

To estimate the number of hospitals that would need to update their policies and procedures, we first used the CMS' Q2 2025 Provider of Services File—Hospitals & Non-Hospital Facilities dataset and identified a total of 4,832 Medicare/Medicaid certified hospitals.⁸⁹ We expect that even in States that have active bans on SRPs,

some hospitals would still need to update their policies and procedures since many of these States have exceptions that conflict with the requirements in this proposed rule. We recognize, however, that not all hospitals offer SRPs for children, and increasingly more hospitals nationwide are ending these services.⁹⁰ Given these uncertainties, we assume that 75 percent, or 3,624 hospitals would need to update their policies and procedures. Using this estimate, we expect that hospitals would spend \$5,334,890 updating their policies and procedures. We seek comments on this estimate, specifically whether there are data sources to more accurately estimate the number of hospitals nationwide that currently offer SRPs for children.

TABLE 2—COST FOR UPDATING FACILITY POLICIES AND PROCEDURES

Per hospital cost	Hospitals	Per hospital hourly cost	Total cost	Total hourly cost
(a)	(b)	(c)	(a × b)	(b × c)
\$1,472.10	3,624	9	\$5,334,890	32,616

The information collections will be sent to OMB for approval under the OMB Control number: 0938–NEW.

If you comment on this information collection, that is, reporting, recordkeeping or third-party disclosure

requirements, please submit your comments electronically as specified in the **ADDRESSES** section of this proposed rule.

Comments must be received by the date and time specified in the **DATES** section of this proposed rule.

⁸⁷ U.S. Bureau of Labor Statistics. "Occupational Employment and Wage Statistics (OEWS) Tables." *Occupational Employment and Wage Statistics*, BLS.gov, May 2024, <https://www.bls.gov/oes/tables.htm>. Accessed 23 Jul. 2025.

⁸⁸ U.S. Bureau of Labor Statistics. "Occupational Employment and Wage Statistics (OEWS) Tables." *Occupational Employment and Wage Statistics*,

BLS.gov, May 2024, <https://www.bls.gov/oes/tables.htm>. Accessed 23 Jul. 2025.

⁸⁹ Centers for Medicare and Medicaid Services. "Provider of Services File—Hospital & Non-Hospital Facilities, Q2 2025." *Data.CMS.gov*, <https://data.cms.gov/provider-characteristics/hospitals-and-other-facilities/provider-of-services->

[file-hospital-non-hospital-facilities/data](https://data.cms.gov/provider-characteristics/hospitals-and-other-facilities/provider-of-services-file-hospital-non-hospital-facilities/data). Accessed 13 Aug. 2025.

⁹⁰ Cowan, Jill Cowan. "Hospitals Are Limiting Gender Treatment for Trans Minors, Even in Blue States." *The New York Times*, 22 Jul. 2025, <https://www.nytimes.com/2025/07/22/us/trump-transgender-healthcare-california-hospitals.html>. Accessed 6 Aug. 2025.

⁹⁶ Dahl, Gordon B., and Forbes, Silke J. "Doctor switching costs." *Journal of Public Economics* vol. 221, May (2023): pp. 104858.

impact analysis, it is assumed that \$821 is a reasonable estimate of an average that includes the 46-percent of WTP amounts above it and the 54-percent below. Applying this \$821 amount to the above-estimated 8,570 affected patients (including 4,285 patients who would switch providers and 4,285 patients for whom the switching-cost estimate is a lower bound on the WTP to avoid the experience of being unable to switch⁹⁷ yields a cost estimate of \$7,035,970 that declines over several years to an annual \$3,517,985. Because the Dahl and Forbes estimate is derived from a choice between retaining or switching primary-care physicians—where finding substitute providers may

be relatively easy as compared with finding, and maintaining patient-provider relationship with facilities offering the specialized treatment associated with adolescent gender dysphoria—this estimate may have a tendency toward understatement of the proposed rule's cost to patients for switching providers.

In Table 3, we estimate the costs and transfers associated with the proposed requirement over 10 years. Overall, we expect that this proposed rule would result in approximately \$53.5 million in savings for payors due to some patients ending SRPs, with a cost of \$44 million to patients who continue treatment at new providers for finding a new

provider and for patients who would have paid to avoid the experience of being unable to switch providers. We also expect a change in transfers of \$53.5 million from hospitals to other provider types as patients seek alternative sources of care. The effect attributable to this proposed rule might be lower in magnitude than the aggregate presented here if other actions, such as the HHS/CMS proposal titled “Prohibition on Federal Medicaid and Children’s Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to Children” are finalized before finalization of *this* proposal.

TABLE 3—COSTS AND TRANSFERS FOR CHANGING PATIENT BEHAVIOR RELATED TO SEX-REJECTING PROCEDURES

Year	Costs		Transfers (\$)
	Ending sex-rejection procedures (\$)	Switching providers (probably tending toward cost under-estimation) (\$)	
1	– 5,347,077	7,035,970	5,347,077
2	– 5,347,077	6,156,474	5,347,077
3	– 5,347,077	5,276,978	5,347,077
4	– 5,347,077	4,397,481	5,347,077
5	– 5,347,077	3,517,985	5,347,077
6	– 5,347,077	3,517,985	5,347,077
7	– 5,347,077	3,517,985	5,347,077
8	– 5,347,077	3,517,985	5,347,077
9	– 5,347,077	3,517,985	5,347,077
10	– 5,347,077	3,517,985	5,347,077
10 Year Total	– 53,470,770	43,974,813	53,470,770

In developing our estimate, we acknowledge that this quantitative approach may fail to capture a societal cost pattern that may be somewhat concentrated in *upfront* transition activity—for example, the potential establishment of free-standing clinics to provide SRPs that would newly be prohibited at hospitals participating in Medicare.⁹⁸ There may also be costs for clinicians who provide SRPs for children at hospitals who would incur costs to move to other provider types where these procedures are allowed. We also acknowledge that some patients may choose new forms of treatment such as psychotherapy. Given these various uncertainties, we request

comment on how to refine the estimation of regulatory costs.

2. Benefits

As we have noted throughout the proposed rule in Sections I and II, the proposed requirement is designed to ensure the health and safety of children by limiting SRPs given recent research that questions its efficacy and safety. Although we do not have quantitative financial data on the impact of the proposed rule's provision, we estimate the number of children who this proposed rule would positively affect using the same strategy used when estimating the rule's collection of information costs. Specifically, we expect that due to factors such as

difficulty in identifying in-network providers that have available space and longer commute times to these providers⁹⁹, half of the 8,570 (or 4,285) children who are receiving SRPs in hospitals would stop receiving these procedures leading to the avoidance of unnecessary health complications. As noted in the collection of information section, we assumed this percentage in the absence of quantitative data showing the number of children who will no longer seek SRPs. We seek comments on additional benefits that could emerge from these proposed requirements and sources of data to provide a quantitative estimate of the proposed rule's benefits. We also seek comments on sources of data to more accurately estimate the

⁹⁷ The latter portion of the estimate persists in any year when SRPs are estimated to occur at a reduced level due to the proposed rule. By contrast, the former effect is assumed to decline over the first several years of the analytic time horizon, as provider-switching patients age out of childhood.

⁹⁸ The cost of setting up separate specialty facilities (a process encompassing managerial, legal, and physical tasks) would exceed the cost of

achieving only physical separation—estimated previously by the Department to be at least \$20,000 to \$40,000 per entity undertaking such actions. Please see *Compliance With Statutory Program Integrity Requirements*, 84 FR 7714, <https://www.federalregister.gov/d/2019-03461/> page-7782.

⁹⁹ Borah, Luca et al. “State Restrictions and Geographic Access to Gender-Affirming Care for

Transgender Youth.” *JAMA* vol. 330,4 (2023): 375–378. doi:10.1001/jama.2023.11299.

¹⁰⁰ Gridley, Samantha J et al. “Youth and Caregiver Perspectives on Barriers to Gender-Affirming Health Care for Transgender Youth.” *The Journal of Adolescent Health*, vol. 59,3 (2016): 254–261. doi: 10.1016/j.jadohealth.2016.03.017.

number of children who will stop receiving SRPs.

C. Alternatives Considered

As we detailed earlier in this proposed rule, the growth in SRPs in children is a growing concern given recent research that questions its efficacy and safety. We believe that the changes we are proposing are necessary to ensure the health and safety of children throughout the United States and align with the best available scientific evidence. We acknowledge, however, that there are different standards that we could have used in developing these proposed requirements.

In developing this proposed rule, we considered aligning our requirements with those States that already have restrictions on SRPs but with a variety of exceptions they provide as outlined in Section 1.B of this proposed rule. For example, we could have allowed those currently receiving these procedures to continue receiving them. Ultimately, however, we have decided to adopt the proposed provisions with fewer exceptions than are allowed in these States to maximize health and safety for all children. We seek comments, however, on whether we should adopt one or more of the additional State exceptions related to SRPs.

D. Regulatory Review Cost Estimation

Due to the uncertainty involved with accurately quantifying the number of entities that will review the proposed rule when finalized, we assume that all hospitals will review this rule. We acknowledge that this assumption may understate or overstate the costs of reviewing this proposed rule. It is also possible that other individuals and providers will review this proposed rule. For these reasons we thought that doubling the number of Medicare or Medicaid certified hospitals (n = 4,832) would be a fair estimate of the number of reviewers of this proposed rule. We welcome any comments on the approach in estimating the number of entities which will review this proposed rule. We also recognize that different types of entities are in many cases affected by mutually exclusive sections of this proposed rule, and therefore, for the purposes of our estimate, we assume that each reviewer reads approximately 75 percent of the rule. We seek comments on this assumption.

Using the wage information from the Bureau of Labor Statistics (BLS) for medical and health service managers (Code 11–9111), we estimate that the cost of reviewing this proposed rule is \$132.44 per hour, including overhead and fringe benefits (https://www.bls.gov/oes/current/oes_nat.htm). Assuming an average reading speed of 250 words per minute, we estimate that it would take

approximately $[(9,500 \text{ words}/250 \text{ words per minute}) \times 75 \text{ percent}] \times 28.5 \text{ minutes}$ for the staff to review 75 percent of this proposed rule. For each entity that reviews the rule, the estimated cost is \$62.91 $(0.475 \text{ hours} \times \$132.44)$. Therefore, we estimate that the total cost of reviewing this regulation is \$607,962 $[\$62.91] \times [9,664]$.

E. Accounting Statement

As required by OMB Circular A–4 (available online at <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>), we have prepared an accounting statement in Table 4 showing classification of the costs and benefits associated with the provisions of this proposed rule. This includes the total costs for hospitals providing notices to children and their parents that they are no longer providing SRPs as identified in Table 1, the cost for hospitals to update their policies and procedures in Table 2, the reduction in costs due to the ending of SRPs for some patients as well as an increase in cost for patients who seek new providers in Table 3, as well as the regulatory review costs. There are also transfer costs for patients seeking care at other providers as outlined in Table 3. There are \$0 benefit estimates in the statement. This statement provides our best estimate for the Medicare and Medicaid provisions of this proposed rule.

TABLE 4—ACCOUNTING STATEMENT

Category	Estimate	Units		
		Year dollar	Discount rate (%)	Period covered
Annualized Monetized Costs (\$million/year)	0.32–0.04	2024	7 or 3	2026–2035
Annualized Monetized Transfers (\$million/year)	5.3	2024	7 or 3	2026–2035

F. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, we estimate that most hospitals (NAICS 6221) are considered small businesses either by the Small Business Administration’s size standards with total revenues of \$47.0 million or less in any single year or by the hospital’s not for profit status. According to the 2022 Economic Census,¹⁰¹ general medical

and surgical hospitals (NAICS 6221) have revenues of \$1.27 trillion.

Individuals and States are not included in the definition of a small entity. As its measure of significant economic impact on a substantial number of small entities, HHS uses a change in revenue of more than 3 to 5 percent. With estimated annual costs and reduction in transfers resulting in the loss of approximately \$11.4 million in annual revenues for hospitals, which is approximately 0.0008 percent of revenues, this proposed rule would not have a significant economic impact as measured on a substantial number of small businesses or other small entities as measured by a change in revenue of 3 to 5 percent. Therefore, the Secretary has certified that this proposed rule will

not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the statute requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the statute, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. With total requirement costs and the loss of transfers reducing hospital revenues by approximately \$11.4 million annually for all 4,832 hospitals, or \$2,194 per hospital, we expect that

¹⁰¹ U.S. Census Bureau. “All Sectors: Summary Statistics for the U.S., States, and Selected Geographies: 2022.” *Economic Census, United States Census Bureau, 2022*, data.census.gov/tables/EC2200BASIC?q=EC2200BASIC. Accessed 15 Dec. 2025.

this proposed rule would have a negligible impact on small rural hospitals. Therefore, the Secretary has certified that this proposed rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

G. Unfunded Mandates Reform Act (UMRA)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2025, that threshold is approximately \$187 million. This proposed rule does not mandate any spending requirements for State, local, or tribal governments, or for the private sector.

H. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it issues a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, pre-empts State law, or otherwise has federalism implications. This proposed rule would pre-empt State laws that prohibit SRPs for children that include exceptions for reasons beyond those exceptions provided in this proposed rule, including for children who are already undergoing these procedures. It would also pre-empt State laws requiring hospitals to provide SRPs.

Consistent with the Executive Order, we find that State and local laws that provide exceptions from the prohibition beyond those listed in this proposed rule, as well as State and local laws that require hospitals to provide SRPs for children, directly conflict with this exercise of CMS' statutory health and safety authority to prohibit providers subject to this proposed rule from providing these procedures.

Similarly, to the extent that State-run hospitals that receive Medicare and Medicaid funding are required by State or local law to provide SRPs for children except in those cases covered by our exceptions, there is direct conflict between the provisions of this proposed rule (prohibiting such procedures) and the State or local law (allowing them).

As is relevant here, this proposed rule preempts the applicability of any State or local law providing for SRPs to the extent such law provides broader grounds for these procedures than provided for by Federal law and are inconsistent with this proposed rule. In

these cases, consistent with the Supremacy Clause of the Constitution, the agency intends that this proposed rule preempts State and local laws to the extent the State and local laws conflict with this proposed rule. The agency has considered other alternatives (for example, relying entirely on State laws prohibiting SRPs) and has concluded that the requirements established by this proposed rule are the minimum regulatory action necessary to achieve the objectives of the statute.

Given the growth in SRPs among children in recent years, we believe that the prohibition of these procedures for children is necessary to promote and protect patient health and safety. The agency has examined research on SRPs for children and concludes that it can cause permanent harm with uncertain benefits. We are inviting State and local comments on the substance as well as legal issues presented by this proposed rule, and its impact on them.

I. E.O. 14192, "Unleashing Prosperity Through Deregulation"

Executive Order 14192, entitled "Unleashing Prosperity Through Deregulation" was issued on January 31, 2025, and requires that "any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations." We followed the implementation guidance from OMB–M–25–20 (<https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-20-Guidance-Implementing-Section-3-of-Executive-Order-14192-Titled-Unleashing-Prosperity-Through-Deregulation.pdf>) when estimating the proposed rule's impact related to the executive order. Specifically, we used a 7 percent discount rate when estimating the cost for the purposes of Executive Order 14192. In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services, approved this document on December 17, 2025.

List of Subjects in 42 CFR Part 482

Grant programs health, Hospitals, Medicaid, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 482—CONDITIONS OF PARTICIPATION FOR HOSPITALS

■ 1. The authority citation for part 482 continues to read as follows:

Authority: 42 U.S.C. 1302, 1395hh, and 1395rr, unless otherwise noted.

■ 2. Section 482.46 is added to subpart C to read as follows:

§ 482.46 Condition of participation: Sex-rejecting procedures.

The hospital must not perform sex-rejecting procedures on any child.

(a) *Definitions.* As used in this section:

(1) "Child" means any individual younger than 18 years of age.

(2) "Female" means an individual of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs (ova).

(3) "Male" means an individual of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing sperm.

(4) "Sex" means an individual's immutable biological classification as either male or female.

(5) "Sex-rejecting procedure" means any pharmaceutical or surgical intervention that attempts to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex either by:

(i) Intentionally disrupting or suppressing the development of biological functions, including primary or secondary sex-based traits; or

(ii) Intentionally altering an individual's physical appearance or body, including removing, minimizing, or permanently impairing the function of primary or secondary sex-based traits such as the sexual and reproductive organs.

(b) *Exceptions.* The definition at paragraph (a)(5) of this section does not include procedures:

(1) To treat an individual with a medically verifiable disorder of sexual development;

(2) For purposes other than attempting to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex; or

(3) To treat complications, including any infection, injury, disease, or disorder that has been caused by or

exacerbated by the performance of a sex-rejecting procedure.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025–23465 Filed 12–18–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 84

RIN 0945–AA27

Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance

AGENCY: Office for Civil Rights (OCR), Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Health and Human Services (HHS or Department) issues this Notice of Proposed Rulemaking (NPRM) to revise 45 CFR 84.4(g) in the regulation implementing section 504 of the Rehabilitation Act of 1973 (section 504) as it applies to recipients of HHS funding (entitled “Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance,” 89 FR 40066 (“2024 Final Rule”)), published on May 9, 2024. This rule clarifies that the Department interprets the statutory exclusion of “gender identity disorders not resulting from physical impairments” from the definitions of “individual with a disability” and “disability” set forth at 29 U.S.C. 705(9) & (20)(F)(i), 42 U.S.C. 12211(b), to encompass “gender dysphoria not resulting from a physical impairment” for purposes of part 84. This clarification is necessary to resolve ambiguity introduced in the preamble to the 2024 Final Rule and to ensure compliance with the best reading of the plain language of the governing statute.

DATES: *Comments:* Submit comments on or before January 20, 2026.

ADDRESSES: You may submit comments to this proposed rule, identified by RIN Number 0945–AA27, by any of the following methods. Please do not submit duplicate comments.

Federal eRulemaking Portal: You may submit electronic comments at <https://www.regulations.gov> by searching for the Docket ID number XXXXX. Follow the instructions for submitting electronic comments. If you are submitting

comments electronically, the department strongly encourages you to submit any comments or attachments in Microsoft Word format. If you must submit a comment in Adobe Portable Document Format (PDF), the Department strongly encourages you to convert the PDF to “print-to-PDF” format, or to use some other commonly used searchable text format. Please do not submit the PDF in scanned format. Using a print-to-PDF allows the Department to electronically search and copy certain portions of your submissions to assist in the rulemaking process.

Regular, Express, or Overnight Mail: You may mail written comments to the following address only: U.S. Department of Health and Human Services, Office for Civil Rights, Attention: Disability NPRM, RIN 0945–AA27, Hubert H. Humphrey Building, Room 509F, 200 Independence Avenue SW, Washington, DC 20201.

All comments received by the methods and due date specified above, or officially post marked by the due date above, will be posted without change to content to <https://www.regulations.gov>, including any personal information provided, and such posting may occur after the closing of the comment period.

However, the Department may redact certain non-substantive content from comments before posting, including threats, hate speech, profanity, graphic images, or individually identifiable information about an individual third-party other than the commenter. In addition, comments or material designated as confidential or not to be disclosed to the public will not be accepted. Comments may be redacted or rejected as described above without notice to the commenter, and the Department will not consider in rulemaking any redacted or rejected content that would not be made available to the public as part of the administrative record. Because of the large number of public comments normally received on **Federal Register** documents, the Office for Civil Rights is not able to provide individual acknowledgements of receipt.

Please allow sufficient time for mailed comments to be timely received in the event of delivery or security delays.

Please note that comments submitted by fax or email and those submitted or postmarked after the comment period will not be accepted.

Docket: For a plain language summary of the proposed rule and complete access to background documents or posted comments, go to <https://www.regulations.gov> and search for Docket ID number XXXXX.

FOR FURTHER INFORMATION CONTACT: John Thompson, Office for Civil Rights, Department of Health and Human Services at (202) 545–4884 or (800) 537–7697 (TDD), or via email at 504@hhs.gov.

SUPPLEMENTARY INFORMATION:

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Background

Statutory Framework

Section 504 of the Rehabilitation Act of 1973, codified at 29 U.S.C. 794, prohibits discrimination on the basis of disability in federally assisted and federally conducted programs and activities. Specifically, 29 U.S.C. 794(a) provides: “No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency[.]” The HHS Office for Civil Rights (OCR) enforces section 504 as well as other statutes that prohibit discrimination on the basis of disability. Although the Rehabilitation Act predates the Americans with Disabilities Act of 1990 (ADA), Congress subsequently amended the Rehabilitation Act, through the Rehabilitation Act Amendments of 1992 (Pub. L. 102–569, sec. 102, 106 Stat 4344), to align key definitions in the Rehabilitation Act with key definitions in the ADA. Under these amendments, the term “individual with a disability” “does not include an individual on the basis of . . . transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender

identity disorders not resulting from physical impairments, or other sexual behavior disorders.” 29 U.S.C. 705(20)(F)(i).

Congress amended the Rehabilitation Act again, in the ADA Amendments Act of 2008 (Pub. L. 110–325, sec. 7, 122 Stat 3553), to further align the Rehabilitation Act definitions with the ADA. Specifically, 29 U.S.C. 705(9)(B) states: “The term ‘disability’ means . . . for purposes of [section 504], the meaning given it in section 12102 of [the ADA].” In addition, the definition of “individual with a disability” at 29 U.S.C. 705(20)(B) was revised for purposes of section 504 to mean “any person who has a disability as defined in section 12102 of [the ADA].” Under the ADA, 42 U.S.C. 12102(1), “disability” means: “(A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.” The ADA, at 42 U.S.C. 12211(b), explicitly excludes certain conditions from the definition of “disability.” Specifically, 42 U.S.C. 12211(b)(1) states that, “under this Chapter,” on Equal Opportunity for Individuals with Disabilities, “[t]he term ‘disability’ shall not include (1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders[.]” Thus, any regulatory interpretation of section 504 must adhere to these identical statutory exclusions from the definitions of “individual with a disability” and “disability.”

Relevant Medical Diagnostic History of “Gender Dysphoria”

At the time Congress passed the ADA, the American Psychiatric Association’s Diagnostic and Statistical Manual (DSM), third edition (1987) (“DSM–III–R”) described a set of disorders as “gender identity disorders.” DSM–III–R at 71–78. This set of disorders included “Gender Identity Disorder of Childhood,” “Transsexualism,” “Gender Identity Disorder of Adolescence or Adulthood, Nontranssexual Type (GIDAANT),” and “Gender Identity Disorder Not Otherwise Specified.” *Id.* As described in DSM–III–R, the “essential feature of the disorders included in this subclass [Gender Identity Disorders] is an incongruence between assigned sex (*i.e.*, the sex that is recorded on the birth certificate) and gender identity.” *Id.* at 71.

The descriptions for each of the disorders within the DSM–III–R’s set of

“Gender Identity Disorders” tracked this essential feature. “Gender Identity Disorder of Childhood” was marked by “persistent and intense distress in a child about his or her assigned sex and the desire to be, or insistence that he or she is, of the other sex.” *Id.* at 71. An “essential feature[.]” of “transsexualism” included “a persistent discomfort and sense of inappropriateness about one’s assigned sex in a person who has reached puberty.” *Id.* at 74. GIDAANT similarly included “a persistent or recurrent discomfort and sense of inappropriateness about one’s assigned sex[.]” *Id.* at 76. Finally, “Gender Identity Disorder Not Otherwise Specified” served as a catch-all for “[d]isorders in gender identity that are not classifiable as a specific Gender Identity Disorder.” *Id.* at 77. The conditions were associated with symptoms such as anxiety and depression. *Id.* at 72, 74, 76.

The DSM–III–R was in effect at the time Congress passed the exclusionary language at issue. Later, the diagnostic framework in the DSM–III–R was revised in the DSM fourth edition (1994) (“DSM–IV”) to describe a singular condition, “Gender Identity Disorder.” DSM–IV at 532–38.¹ The DSM–IV’s description of “Gender Identity Disorder” included a diagnostic criterion that the condition “causes clinically significant distress or impairment in social, occupational, or other important areas of functioning.” DSM–IV at 538.

In 2013, the American Psychiatric Association revised its terminology in the DSM fifth edition (“DSM–5”), replacing the section on “Gender Identity Disorder” with a section on “Gender Dysphoria.” DSM–5 at 451–59. In DSM–5, “[g]ender dysphoria refers to the distress that may accompany the incongruence between one’s experienced or expressed gender and one’s assigned gender.” *Id.* at 451. The DSM–5 explained that the terminology change was because “[t]he current term is more descriptive than the previous DSM–IV term *gender identity disorder* and focuses on dysphoria as the clinical problem, not identity per se.” *Id.*

The diagnostic criteria for “gender dysphoria” remained functionally similar to the criteria for gender identity disorder(s) in previous versions of the

DSM. To qualify for a diagnosis of gender dysphoria under DSM–5, a person must exhibit a “marked incongruence between one’s experienced/expressed gender and assigned gender” “of at least six months’ duration,” as manifested through specific urges or convictions. *Id.* at 452. “The condition is associated with clinically significant distress or impairment in social, occupational, or other important areas of functioning.” *Id.* at 452–53. Importantly, the American Psychiatric Association explicitly acknowledged that this was not the creation of a new diagnosis, but rather a reframing of the same condition: “This diagnosis is a revision of DSM–IV’s criteria for gender identity disorder and is intended to *better characterize* the experiences of affected children, adolescents, and adults.”²

Fourth Circuit Interpretation and Litigation

The Rehabilitation Act and the ADA expressly exclude “gender identity disorders not resulting from physical impairments” from the definition of “disability.” As noted above, this exclusion was enacted in the ADA in 1990 and has never been amended by Congress.

While this seems straightforward, in recent years, Federal district courts have split on whether “Gender Dysphoria” falls within the ADA’s exclusion for gender identity disorders not resulting from physical impairments.³ The Fourth Circuit’s decision in *Williams v. Kincaid*, 45 F.4th 759 (4th Cir. 2022), *cert. denied*, 600 U.S. (2023), represents the only appellate review of this issue on the merits under the ADA and the Rehabilitation Act.

In *Williams* the court concluded, in a 2–1 decision, that gender dysphoria is not excluded from the ADA’s definition

²Am. Psychiatric Ass’n, *Gender Dysphoria* (2013), https://www.psychiatry.org/file%20library/psychiatrists/practice/dsm/apa_dsm-5-gender-dysphoria.pdf (emphasis added).

³See, e.g., the following cases determining that gender dysphoria is subject to the ADA’s gender identity disorder exclusion: *Duncan v. Jack Henry & Assocs., Inc.*, 617 F. Supp. 3d 1011, 1055–57 (W.D. Mo. 2022); *Lange v. Houston Cnty.*, 608 F. Supp. 3d 1340, 1361–63 (M.D. Ga. 2022); *Doe v. Northrop Grumman Sys. Corp.*, 418 F. Supp. 3d 921, 930 (N.D. Ala. 2019); *Parker v. Strawser Constr. Inc.*, 307 F. Supp. 3d 744, 754–55 (S.D. Ohio 2018); *Gulley-Fernandez v. Wis. Dep’t of Corr.*, No. 15–CV–995, 2015 WL 7777997, at *3 (E.D. Wis. Dec. 1, 2015); but see *Guthrie v. Noel*, No. 1:20–CV–02351, 2023 WL 8115928, at *13 (M.D. Pa. Sept. 11, 2023); *Kozak v. CSX Transportation, Inc.*, No. 20–CV–184S, 2023 WL 4906148, at *4–7 (W.D.N.Y. Aug. 1, 2023); *Doe v. Mass. Dep’t of Corr.*, No. 17–12255–RGS, 2018 WL 2994403, at *6–7 (D. Mass. Jun. 14, 2018); *Blatt v. Cabela’s Retail, Inc.*, No. 5:14–cv–04822, 2017 WL 2178123, at *3–4 (E.D. Pa. May 18, 2017).

¹The DSM–IV also included a category for “Gender Identity Disorder Not Otherwise Specified” that was “included for coding disorders in gender identity that are not classifiable as a specific Gender Identity Disorder,” and which could be used, for example, “for individuals who have a gender identity problem with a concurrent congenital intersex condition.” DSM–IV at 537, 538.

of “disability.” *Williams*, 45 F.4th at 769, 773–74. The majority reasoned that gender dysphoria, as clinically classified, is distinct from “gender identity disorders not resulting from physical impairments” excluded by the ADA in 42 U.S.C. 12211(b)(1). *Id.* Specifically, the court emphasized that gender dysphoria involves clinically significant distress and functional impairments, and that, thus, the diagnostic criteria under the DSM–5 differ from those of the gender identity disorders referenced in the DSM–III–R when the ADA was enacted in 1990. *Williams*, 45 F.4th at 767–68. The majority interpreted the ADA in light of what it viewed as evolving medical concepts.

The Supreme Court subsequently denied certiorari in *Kincaid v. Williams*, 600 U.S., ____ 143, S. Ct. 2414 (2023), leaving the Fourth Circuit’s judgment intact. As a result, *Williams* remains binding precedent within Maryland, North Carolina, South Carolina, Virginia, and West Virginia, but it does not constitute controlling authority elsewhere.⁴ See *Maryland v. Balt. Radio Show, Inc.*, 338 U.S. 912, 919 (1950) (Frankfurter, J., respecting denial of certiorari) (noting that denial of certiorari “does not remotely imply approval . . . of what was said by [the lower court]”).

Relevant Regulatory History and Related Lawsuits

On May 9, 2024, the Department issued the 2024 Final Rule modifying its regulations implementing section 504. As relevant here, the preamble to the 2024 Final Rule discussed whether “gender dysphoria may constitute a disability under section 504.” 89 FR at 40069. The 2024 Final Rule concluded, in its preamble, that “gender dysphoria does not fall with the statutory exclusions for gender identity disorders.” *Id.* The codified regulatory text merely cross-referenced the statutory exclusion in 29 U.S.C. 705(20)(F). See 45 CFR 84.4(g).

⁴ The factual basis of *Kincaid*’s 2022 holding has since been called into doubt. The majority opinion relied in part on the applicability of the seventh edition of the World Professional Association for Transgender Health Standards of Care (“WPATH Standards”) to interpret the gender identity disorder exclusion. *Kincaid*, 45 F.4th at 764, 769; *id.* at 782 (Quattlebaum, J., dissenting) (recognizing the majority’s reliance on WPATH Standards). Since that opinion, the basis for the WPATH standards have been undermined. See *Eknes Tucker v. Governor*, 114 F.4th 1241, 1261 (11th Cir. 2024) (Lagoa, J., concurring in denial of rehearing *en banc*) (“recent revelations indicate that WPATH’s lodestar is ideology, not science”); see also Statement of Interest of the United States, *Fuller v. Georgia Dep’t of Corr.*, N.D. Ga., 25–cv–246, Apr. 25, 2025.

The 2024 Final Rule, including its preamble language, spawned litigation. In *Texas v. Becerra*, No. 5:24–cv–00225 (N.D. Tex.), seventeen States filed suit challenging the 2024 Final Rule, arguing, among other things, that the preamble’s reference to gender dysphoria unlawfully expands the definition of “disability” beyond the scope authorized by 29 U.S.C. 705(20)(F) and 42 U.S.C. 12211(b).⁵

In response to the litigation, the Department published a notice in the **Federal Register** (90 FR 15412 (Apr. 11, 2025)). The notice highlights the Department’s concern that “there has been significant confusion about the preamble language referencing gender dysphoria in the” 2024 Final Rule. *Id.* at 15412. The notice stated: “It is well-established that where, as here, the language included in the regulatory text itself is clear, statements made in the preamble to a final rule published in the **Federal Register**, lack the force and effect of law and are not enforceable.”

This NPRM reaffirms the statutory exclusion of 29 U.S.C. 705(20)(F) in unambiguous terms for section 504 coverage and makes clear that the Department interprets the exclusionary language “gender identity disorders not resulting from physical impairments” to encompass gender dysphoria that does not result from physical impairment.

Legal Authority

The Department has legal authority under the Rehabilitation Act to promulgate regulations “as may be necessary to carry out [section 504].” 29 U.S.C. 794(a). Indeed, since 1977, the year the Department (then, the Department of Health Education and Welfare) issued the implementing regulation for section 504 Part 84, the Department has exercised this authority to interpret the requirements of 29 U.S.C. 794(a) and provide certainty to recipients of Department financial assistance that they are in compliance with section 504. For example, in *Alexander v. Choate*, the Supreme Court relied on the general nondiscrimination requirements in HHS’ section 504 implementing regulations in Part 84 when determining whether limitations on Medicaid benefits amounted to discrimination under section 504.⁶

As stated in *Loper Bright v. Raimondo*, “when a particular statute delegates authority to an agency

⁵ Litigation also has been filed in the Western District of Louisiana similarly challenging the section 504 preamble reference to gender dysphoria. *Rapides Parish Sch. Bd. v. U.S. Dep’t of Health & Hum. Servs.*, et al, 1:25–cv–70 (W.D. La.).

⁶ See *Alexander v. Choate*, 469 U.S. 287, 304 (1985).

consistent with constitutional limits, courts must respect the delegation, while ensuring the agency acts within it.”⁷ While courts must respect that Congress delegated authority to HHS to implement regulations for section 504 and interpret the nondiscrimination requirements of the statute, the preamble to the 2024 Final Rule went beyond the statutory limits when it interpreted the definition of disability in a manner that included a condition excluded by Congress.

Administrative agencies must act within the limits of authority delegated to them by Congress. As the Supreme Court has made clear, “[a]n agency literally has no power to act . . . unless and until Congress confers power upon it.” *Louisiana Public Service Commission v. FCC*, 476 U.S. 355, 374 (1986). Agencies may not expand their authority or reframe statutory provisions based on policy preferences. See *Alexander v. Sandoval*, 532 U.S. 275, 291 (2001) (stating that agencies cannot through rulemaking “conjure up a [right] that has not been authorized by Congress. Agencies may play the sorcerer’s apprentice but not the sorcerer himself”).

The definition of “individual with a disability” in section 504 and the definition of “disability” that applies to both section 504 and the ADA do not cover “transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders.” 29 U.S.C. 705(9) & (20)(F)(i), 42 U.S.C. 12211(b)(1). As neither section 504 nor the ADA define “gender identity disorders,” the term must be given the “ordinary meaning” it had at the time of its adoption. See *Niz-Chavez v. Garland*, 593 U.S. 155, 160 (2021) (“When called on to resolve a dispute over a statute’s meaning, this Court normally seeks to afford the law’s terms their ordinary meaning at the time Congress adopted them.”). Given the history of the terms “gender identity disorders” and “gender dysphoria” referenced above, under the ordinary meaning of the term as used in the DSM–III–R, gender identity disorder, as a category, includes gender dysphoria.

In the 1990s, gender identity disorders were understood to be a family of conditions which shared the same “essential feature”: an individual experiencing “incongruence between assigned sex (*i.e.*, the sex that is recorded on the birth certificate) and gender.” DSM–III–R at 71. The DSM–

⁷ *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 413 (2024).

III–R noted that an individual with even mild incongruence could feel “discomfort and a sense of inappropriateness about the[ir] assigned sex.” *Id.* at 77. The distress resulting from the discomfort could also manifest as “[a]nxiety and depression.” *Id.* at 76. Not all individuals with gender incongruence can fit squarely within a subcategory due to a variation of symptoms. However, even if an individual does not fit within a specific subcategory, the individual would have a “Gender Identity Disorder Not Otherwise Specified” *Id.* at 77–78.

A later update of the DSM published in 1994 clarified that distress was part and parcel of a gender identity disorder. To make a gender identity disorder diagnosis, “there must be evidence of clinically significant distress or impairment in social, occupational, or other important areas of functioning.” DSM–IV at 533 (emphasis added).

The DSM–5 switched from using the term “gender identity disorders” to “gender dysphoria.” But the difference is merely linguistic. Gender dysphoria specifically “refers to the distress that may accompany the incongruence between one’s experienced or expressed gender and one’s assigned gender.” DSM–5 at 451. To be diagnosed with gender dysphoria, an individual must show the hallmark of a gender identity disorder—gender incongruence. *See* DSM–5 at 452–53. Then, because of that incongruence, they must also have “clinically significant distress or impairment.” *See id.* In other words, gender dysphoria is gender identity disorder where the person has specifically had “clinically significant distress.”

While the American Psychiatric Association and the medical profession may have changed how they conceptualize gender identity disorders by focusing on the distress rather than on the incongruence, they do not have the authority to redefine the meaning of statutes. *See id.* at 451 (explaining that change in conceptualizing gender identity disorders); As Judge Quattlebaum wrote in his opinion in *Williams*, “linguistic drift cannot alter the meaning of the words in the ADA when it was enacted.” *Williams*, 45 F.4th at 780; *see also Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024) (“[E]very statute’s meaning is fixed at the time of enactment.” (quotation omitted)).

The exclusions from the definition of “disability” applicable to the ADA and section 504 and from the definition of “individual with a disability” applicable in section 504, cannot be circumvented through renaming or

redefining the conditions that are excluded in the law. Gender identity disorders were understood to encompass conditions where the person was suffering from gender incongruence and the accompanying distress. Gender dysphoria falls squarely within this framework.

Here, the Rehabilitation Act and the ADA expressly exclude “gender identity disorders not resulting from physical impairments” from the definitions of “disability” and “individual with a disability.” 29 U.S.C. 705(9) & (20)(F)(i); 42 U.S.C. 12211(b)(1). OCR does not have the authority to broaden or narrow these statutory exclusions through agency rulemaking. Deviation from the statute Congress enacted would be legally vulnerable under the Administrative Procedure Act, which requires federal courts to “hold unlawful and set aside” agency actions taken “in excess of statutory jurisdiction, authority, or limitations.” 5 U.S.C. 706(2)(C).

While *Williams* framed its analysis in terms of evolving medical classifications, such reliance on post-enactment developments in the DSM–5 raises serious concerns under established canons of statutory construction. Instead, one must look to the DSM–III–R, in place in 1990, which provides that, even in mild cases, gender identity disorders involve “discomfort and a sense of the inappropriateness about the assigned sex.” DSM–III–R at 71. It even lists such distress as the first diagnostic criteria for gender identity disorder. *Id.* at 73, 77. This language makes clear that gender identity disorders, as understood in 1990, included distress and discomfort from identifying as a gender different from the sex assigned at birth and thus encompasses “gender dysphoria.” *See Williams*, 45 F.4th at 784 (Quattlebaum, J. dissenting); *see also Kincaid*, 600 U.S. 143 S.Ct. at 2417 (Alito, J. dissenting from denial of certiorari) (noting that the “broad brush used by Congress” in crafting the language of Section 12211(b)(1) suggests Congressional intent to “prohibit the ADA’s application to conditions that are sufficiently similar to the more specific categories of conditions” identified). Several federal courts agree with this interpretation. *See, e.g., Parker v. Strawser Constr., Inc.*, 307 F. Supp. 3d 744, 754 (S.D. Ohio 2018) (surveying cases and finding that “[t]he majority of federal cases have concluded” that the ADA excludes from its protection “both disabling and non-disabling gender identity disorders that do not result from a physical impairment”); *Duncan v. Jack Henry Assocs., Inc.*, 617 F. Supp.

3d 1011, 1056–57 (W.D. Mo. 2022) (concluding that ADA’s exclusion of gender identity disorders “encompass[ed] Plaintiff’s diagnosis of gender dysphoria”); *Lange v. Houston Cnty., Georgia*, 608 F. Supp. 3d 1340, 1361–63 (M.D. Ga. 2022) (holding that gender dysphoria not resulting from physical impairment is subject to the gender identity disorder exclusion); *Doe v. Northrop Grumman Sys. Corp.*, 418 F. Supp. 3d 921, 930 (N.D. Ala. 2019) (same).

Accordingly, under a review of the definition of disability as written in 29 U.S.C. 705(20)(A) and (F)(i), independent of HHS’ 2024 Final Rule and preamble, many courts have reached the conclusion that the best reading of the statute is that “disability” does not include gender dysphoria not resulting from physical impairments. Even if a court considers there to be ambiguity as to whether gender identity disorders not resulting from physical impairments includes gender dysphoria not resulting from physical impairments, “there is a best reading all the same—‘the reading the court would have reached’ if no agency were involved.”⁸ This proposed rulemaking rectifies the overreach committed by the 2024 Final Rule preamble and recognizes the the interpretation of “disability” set by Congress and the courts as required by the Administrative Procedures Act.⁹

Reasons for the Proposed Rulemaking

The Department is issuing this NPRM to address a targeted but consequential gap in regulatory clarity created by the 2024 Final Rule’s preamble. Although the operative regulation at 45 CFR 84.4(g) cross-references the statutory exclusion for “gender identity disorders not resulting from physical impairments,” the preamble’s general discussion of gender dysphoria introduced interpretative confusion regarding how the exclusion applies to that condition. The Department has determined that this ambiguity warrants regulatory resolution.

When Congress clearly excluded “gender identity disorders not resulting from physical impairments,” federal agencies and courts are bound to apply that exclusion as written, unless and until Congress amends the underlying statute. Here, the Rehabilitation Act and the ADA expressly exclude “gender identity disorders not resulting from physical impairments” from the definitions of “disability” and

⁸ *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024).

⁹ *See* 5 U.S.C. 706.

“individual with a disability.” 29 U.S.C. 705(9) & (20)(F)(i); 42 U.S.C. 12211(b)(1). OCR does not have the authority to broaden or narrow these statutory exclusions through agency rulemaking. This is in part because the Administrative Procedure Act requires federal courts to “hold unlawful and set aside” agency actions taken “in excess of statutory jurisdiction, authority, or limitations.” 5 U.S.C. 706(2)(C). Therefore, to remedy the ambiguity and reduce litigation risk, we are issuing this proposed rule to clarify that, where “gender identity disorders not resulting from physical impairments” is used in part 84, it encompasses “gender dysphoria not resulting from physical impairments,” because the statutory text states as much.

The Department maintains that the preamble language of the 2024 Final Rule lacks the force and effect of law and is not enforceable. However, we recognize that this proposed rule comes to a different conclusion on whether “gender dysphoria” not resulting from physical impairment may be a disability under section 504 compared to that preamble.

The Department is issuing this rule because it has reevaluated the relevant statutory language and determined that the term “gender dysphoria not resulting from physical impairments” is encompassed in the term “gender identity disorder not resulting from physical impairments,” as that term is used in the ADA and in section 504, based on the plain language of the statutory exclusions from the definitions of “disability” and “individual with a disability” in the context of existing medical terminology at the time of the ADA’s enactment. The discussion in the preamble of the 2024 final rule focused almost exclusively on the *Williams* majority opinion and its determination that the current definition of gender dysphoria is not interchangeable with the definition of gender identity disorder from 1990. 45 F.4th 759. After careful consideration, the Department recognizes that the evolving medical classifications of gender disorders cannot change the meaning of the statutory language.

Because the preamble lacks the force and effect of law and is not enforceable, the Department expects that any reliance interests are minimal. To the extent anyone relied on that language, however, they have no legitimate reliance interests in maintaining that language, and indeed would be harmed by its continuation. Since the preamble language is not enforceable and lacks the force of law, no one can use it to their benefit. Meanwhile, individuals

may unintentionally believe that the preamble language can override statutory language. By fixing the incorrect language in the preamble, the Department is ensuring that no one incorrectly relies on the mistaken interpretation to their detriment.

Alternatives Considered

While the Department believes that rulemaking to clarify that the definitions of “disability” and “individual with a disability” in Section 504 exclude “gender dysphoria not resulting from physical impairments” is the most prudent course of action, we considered a host of alternatives.

The first alternative to rulemaking considered was to simply leave the existing preamble language in place and maintain the Department’s position that the preamble language is not binding or legally enforceable, as stated in the April 11, 2025 notice in the **Federal Register**.¹⁰ While this approach would result in less rulemaking for the Department and may ultimately result in the same outcome as this rulemaking in hypothetical future litigation, it would do little to rectify the ambiguity surrounding the definition of “disability” caused by the preamble to the 2024 Final Rule. The Department believes that the 2024 Final Rule Preamble has generated significant confusion and that the only way to rectify such confusion is to modify the text.

The second alternative considered was to issue guidance further explaining to the public that the Department interpreted the exclusion for “gender identity disorders not resulting from physical impairments” to include “gender dysphoria not resulting from physical impairments.” Similar to the first alternative, the Department determined that guidance alone would be insufficient to rectify the existing confusion, and the public would question why contradictory preamble language still existed.

The final alternative considered was a full repeal of the 2024 Final Rule. While this method would have eliminated the confusion caused by the preamble language, such an approach would be broader than necessary to address the issue presented by the preamble on whether “disability” included or excluded “gender dysphoria not resulting from physical impairment.” The Department requests comments on these alternatives considered.

Executive Order 12866 and Related Executive Orders on Regulatory Review

Executive Order 12866 Determination

Pursuant to Executive Order 12866, this rulemaking has been designated as a significant regulatory action under subsection 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

Executive Order 12250 on Leadership and Coordination of Nondiscrimination

Pursuant to Executive Order 12250, the Attorney General has the responsibility to “coordinate the implementation and enforcement by Executive agencies of . . . [a]ny other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.” Executive Order 12250 at § 1–201(d), 45 FR 72995 (Nov. 2, 1980). The NPRM was reviewed and approved by the Attorney General.

RFA—Initial Small Entity Analysis

The Regulatory Flexibility Act (RFA), Public Law 96–354, applies to rules for which an agency publishes a general notice of proposed rulemaking (NPRM) pursuant to 5 U.S.C. 553(b).¹¹ Because this proposed rule would clarify a single limited aspect of the definitions of “disability” and “individual with a disability” under section 504, any associated costs to recipients, including small entities, would be negligible. Recipients would not have to purchase new equipment, alter benefits, or change their practices in any way based on this clarification. The Department certifies that this proposed rule would not have a significant effect on small entities.

Executive Order 13132: Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on State and local governments or has federalism implications. The Department has determined that this proposed rule does not impose such costs or have any Federalism implications.

¹⁰ 90 FR 15412 (Apr. 11, 2025).

¹¹ See generally 5 U.S.C. 601, *et. seq.*

Executive Order 13175: Tribal Consultation

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments, proposed legislation, and other policy statements or actions that 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. Because this rulemaking would only clarify whether “gender dysphoria not resulting from physical impairment” may be included in the definitions of “disability” and “individual with a disability” and will not have a significant effect on Tribal finances or the relationship between the Federal Government and Indian Tribes, the Department has determined that this rulemaking would not have Tribal implications that require consultation under Executive Order 13175.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. ch. 3506; 5 CFR part 1320 appendix A.1), the Department has reviewed this proposed rule and has determined that there are no new or modified collections of information contained therein.

Executive Order 14192: Deregulation

Under Executive Order 14192, Unleashing Prosperity Through Deregulation, executive agencies are required to limit the costs of planned regulations, including by repealing existing regulations for each newly

promulgated regulation and/or prioritizing regulations with minimal costs or burdens. This proposed rule will not impose new costs or burdens on recipients as it will result in a clarification made necessary by the preamble language of the 2024 Final Rule that called into question whether gender dysphoria could be considered a disability.

Request for Comment

The Department seeks comment on all issues raised by the proposed rule. Additionally, the Department seeks comments on any reliance interests that recipients of financial assistance from HHS, people with disabilities, or other entities may have related to the gender dysphoria discussion in the preamble of the 2024 Final Rule. The Department is especially interested in comments indicating that an entity has changed its policies, practices, or procedures to account for the 2024 Final Rule gender dysphoria preamble language and how this rulemaking would affect the entity. The Department also seeks comments on the regulatory alternatives it considered in Section IV of this notice of proposed rulemaking and the Department’s decision to pursue this rulemaking.

List of Subjects in 45 CFR Part 84

Adoption and foster care, Civil rights, Childcare, Child welfare, Colleges and universities, Communications, Disabled, Discrimination, Emergency medical services, Equal access to justice, Federal financial assistance, Grant programs, Grant programs—health, Grant programs—social programs, Health, Health care, Health care access, Health facilities, Health programs and activities, Individuals with disabilities,

Integration, Long term care, Medical care, Medical equipment, Medical facilities, Nondiscrimination, Public health.

For the reasons stated in the preamble, the Department of Health and Human Services proposes to amend 45 CFR Subtitle A, Subchapter A, Part 84 as set forth below:

PART 84—NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

■ 1. The authority citation for part 84 continues to read as follows:

Authority: 29 U.S.C. 794

Subpart G is also issued under 21 U.S.C. 1174; 42 U.S.C. 4581.

■ 2. Amend § 84.4 by revising subsection (g) to read as follows:

§ 84.4 Disability

* * * * *

(g) *Exclusions.* The term “disability” does not include the conditions set forth at 29 U.S.C. 705(20)(F), including “transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders” under Section 705(20)(F)(i). For the purpose of part 84, the term “gender identity disorders not resulting from physical impairments” includes gender dysphoria not resulting from physical impairments.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025–23484 Filed 12–18–25; 8:45 am]

BILLING CODE 4153–01–P

Notices

Federal Register

Vol. 90, No. 242

Friday, December 19, 2025

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

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Hearing of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Appellate Rules; notice of cancellation of open hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Appellate Procedure has been canceled: Appellate Rules Hearing on January 16, 2026.

DATES: January 16, 2026.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Dubay, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

SUPPLEMENTARY INFORMATION: The announcement for this hearing was previously published in the **Federal Register** on July 14, 2025 at 90 FR 31242.

(Authority: 28 U.S.C. 2073.)

Dated: December 17, 2025.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2025-23437 Filed 12-18-25; 8:45 am]

BILLING CODE 2210-55-P

DEPARTMENT OF AGRICULTURE

Forest Service

Shoshone National Forest Travel Management; Shoshone National Forest, Wyoming; Withdrawal

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; withdrawal.

SUMMARY: The Forest Service is withdrawing its notice of intent to prepare an environmental impact statement for the Shoshone National Forest Travel Management project on the Shoshone National Forest. The Forest is withdrawing its Notice of Intent in order to compile and review information concerning access and travel management needs and may pursue further planning and analysis at a later time.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice should be directed to Shoshone National Forest Supervisor Ken Coffin at kenneth.coffin@usda.gov or 307-578-5187.

Individuals who use telecommunications devices for the hearing impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The Forest Service published a notice of intent to prepare an environmental impact statement in the **Federal Register** on May 27, 2016, 81 FR 33655. On June 29, 2016, FR Doc. 2016-15394 a notice to extend the public scoping period was also published.

Beatra Wilson,

Associate Deputy Chief State, Private, and Tribal Forestry, National Forest System.

[FR Doc. 2025-23386 Filed 12-18-25; 8:45 am]

BILLING CODE 3411-15-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Illinois Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Illinois Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public business meeting the last Wednesday of the month (January 2026 through March 2026) via Zoom at 3:30 p.m. CT. The

purpose of these meetings is to discuss the Committee's project, Civil Rights, Civil Liberties, and Generative AI.

DATES:

Wednesday, January 28, 2026, from 3:30 p.m. to 5:00 p.m. Central Time
Wednesday, February 25, 2026, from 3:30 p.m. to 5:00 p.m. Central Time
Wednesday, March 25, 2026, from 3:30 p.m. to 5:00 p.m. Central Time

ADDRESSES: The meetings will be held via Zoom Webinar. Members of the public only need to register once.

Registration Link (Audio/Visual) for All Meetings: https://www.zoomgov.com/webinar/register/WN_gh5ryma5Q8G26pXbXtJxQ.

Join by Phone (Audio Only) for All Meetings: (833) 435-1820 USA Toll-Free; Meeting ID: 161 387 3646.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer, at afortes@usccr.gov or (202) 681-0857.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any charges incurred. Callers will incur no charge for calls initiated over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at lschiller@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Ana Victoria Fortes at afortes@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 681-0857.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via this file sharing website. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

- I. Welcome & Roll Call
- II. Discussion: Civil Rights in Illinois
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: December 16, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-23399 Filed 12-18-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; American Community Survey and Puerto Rico Community Survey

AGENCY: Census Bureau, Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the revision of the American Community Survey and Puerto Rico Community Survey, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before February 17, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to acso.pra@census.gov. Please reference the American Community Survey and the Puerto Rico Community Survey in the subject line of your

comments. You may also submit comments, identified by Docket Number USBC-2025-0203, to the Federal e-Rulemaking Portal: <https://www.regulations.gov>. Click the "Comment" icon, complete the required fields, and enter or attach your comments. All comments received are part of the public record. No comments will be posted to <https://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Nicole Butler, U.S. Census Bureau, American Community Survey Office, 301-763-3928, nicole.butler@census.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau seeks a revision for the American Community Survey (ACS) and the Puerto Rico Community Survey (PRCS).

Since its founding, the Census Bureau has balanced the demands of a growing country requiring information about its people and economy with concerns for respondents' confidentiality and the time and effort it takes respondents to answer questions. Beginning with the 1810 Census, Congress updated the set of questions asked in the 1790 and 1800 Censuses by adding questions to support a range of public concerns and uses. Over the course of a century, federal agencies requested to add questions about agriculture, industry, and commerce, as well as individuals' occupation, ancestry, marital status, disabilities, place of birth, and other topics. In 1940, the Census Bureau introduced the long-form census questionnaire to ask more detailed questions from a sample of the public.

In the early 1990s, the demand for current, nationally consistent data from a wide variety of data users led federal government policymakers to consider the feasibility of collecting social, economic, housing, and demographic data continuously throughout the decade. The benefits of providing current data, along with the anticipated

decennial census benefits in cost savings, planning, improved census coverage, and more efficient operations, led the Census Bureau to plan the implementation of the Continuous Measurement Survey, later called the American Community Survey (ACS). After years of testing, the ACS was implemented in 2005, replacing the need for long-form data collection in future decennial censuses. The ACS is conducted throughout the United States including in Puerto Rico, where it is called the Puerto Rico Community Survey (PRCS). The ACS samples approximately 3.5 million housing unit addresses in the United States and about 36,000 in Puerto Rico each year. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters. The ACS also collects detailed data from a sample of about 150,000 residents living in group quarters facilities in the United States and about 600 in Puerto Rico. Group quarters are places where people live or stay in a group living arrangement owned or managed by an entity or organization providing housing and/or services for the residents. People living in group quarters usually are not related to each other. Group quarters include college/university student housing, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, workers' group living quarters, Job Corps centers, and emergency and transitional shelters.

The ACS program provides estimates annually for the nation, all states, the District of Columbia, Puerto Rico, congressional districts, metropolitan areas, and counties and places with a population of 65,000 or more. It takes five years for smaller areas and population groups to accumulate enough data to provide reliable estimates. Every community in the nation continues to receive a detailed, statistical portrait of its social, economic, housing, and demographic characteristics each year through one-year and five-year ACS products.

The ACS collects detailed social, economic, housing, and demographic data on over 40 topics. The list of topics and questions can be found here: <https://www.census.gov/acs/www/about/why-we-ask-each-question/>.

In 2027, the ACS plans to introduce an internet self-response option to the Puerto Rico Community Survey (PRCS) data collection operation. The Census Bureau believes there is value in offering an internet self-response option to households and people living in certain types of group quarters—

college/university student housing, group homes, military barracks, workers' group living quarters, and emergency and transitional shelters in Puerto Rico.

In addition to the internet self-response option for PRCS, the proposed content for the 2027 ACS and PRCS includes the updated race and ethnicity question, which follows OMB's 2024 Statistical Policy Directive No. 15 (SPD 15). Currently, race and ethnicity data are collected and tabulated following OMB's 1997 SPD 15 on Federal race and ethnicity data standards.

II. Method of Collection

To encourage self-response in the ACS, the Census Bureau sends up to five mailings to housing unit addresses selected for the sample. The first mailing, sent to all mailable addresses in the sample, includes an invitation to participate in the ACS online and states that a paper questionnaire will be sent in a few weeks to those unable to respond online. The second mailing is a letter that reminds respondents to complete the survey online, thanks them if they have already done so, and informs them that a paper questionnaire will be sent later if we do not receive their response. In a third mailing, the paper questionnaire is sent only to those sample addresses that have not completed the online questionnaire within two weeks of receipt of the first mailing. The fourth mailing is a postcard that reminds respondents to respond and informs them that an interviewer may contact them if they do not complete the survey. A fifth mailing is sent to respondents who have not completed the survey within five weeks. This letter provides a due date and reminds the respondents to return their questionnaires in order to be removed from future contact. Some households are also contacted by email. If a household starts the online survey and gives an email but doesn't finish the survey, the household will receive an email reminder to complete the survey. The new PRCS internet self-response option will mirror the ACS method of data collection.

If the Census Bureau does not receive a response from an address in the first

two months of data collection, the address may be selected for an in-person or phone interview by a Census Bureau field representative. This is the nonresponse follow-up data collection operation known as the Computer-Assisted Personal Interview (CAPI) phase. The CAPI phase of data collection lasts for one month. Only a portion of nonresponding addresses, after the first two months of data collection, are sampled in CAPI. While this phase of data collection focuses on personal interviews, respondents still have the option to respond online, return a paper questionnaire, or call the Telephone Questionnaire Assistance line and complete the survey over the telephone.

At the beginning of the CAPI month, a sixth mailing is sent to all mailable addresses in the CAPI sample. This letter urges respondents to complete the survey online to avoid an in-person interview. If a household responds online, by paper questionnaire, or by phone, they are removed from the workload and are no longer contacted. If they do not respond, a Census Bureau field representative attempts to contact them to obtain a response via a computer-assisted interview.

The Census Bureau employs a separate strategy to collect data from group quarters. The Census Bureau collects data for sampled people in group quarters through personal interviews, telephone interviews, and internet responses. The Census Bureau will obtain the facility information by conducting a telephone or personal visit interview with a group quarter contact. During this interview, the Census Bureau obtains a roster of residents and randomly selects them for person-level interviews. The facility can also upload their facility roster to the Census Bureau online listing application. During the person-level phase, a field representative uses a computer-assisted personal interview automated instrument to collect detailed information for each sampled resident. The field representative also has the option to distribute a questionnaire to residents for self-response if they are unable to complete a computer-assisted

personal interview. Respondents in some group quarters also have the option to self-respond to the survey online.

III. Data

OMB Control Number: 0607–0810.

Form Number(s): ACS–1, ACS–1(SP), ACS–1(PR), ACS–1(PR)SP, ACS–1(GQ), ACS–1(GQ)(PR), ACS Housing Unit internet electronic instrument (no form number), ACS nonresponse follow up CAPI electronic instrument (no form number), ACS Failed Edit Follow up CATI electronic instrument (no form number), ACS Telephone Questionnaire Assistance CATI electronic instrument (no form number), ACS Group Quarters internet listing instrument (no form number), ACS Group Quarters Facility Questionnaire CAPI GQFQ electronic instrument (no form number), ACS Group Quarters internet electronic instrument (no form number), ACS Group Quarters Resident CAPI electronic instrument (no form number), ACS Reinterview CATI/CAPI HU RI electronic instrument (no form number), ACS Reinterview CATI/CAPI GQ RI electronic instrument (no form number).

Type of Review: Regular submission, Request for a revision.

Affected Public: Individuals or households.

Estimated Number of Respondents: 3,576,000 for household respondents; 20,100 for contacts in group quarters (GQ); 150,600 people in GQ; 22,875 households for reinterview; and 1,422 GQ contacts for reinterview. The total estimated number of respondents is 3,770,997.

Estimated Time Per Response: 40 minutes for the average household questionnaire; 15 minutes for a GQ facility questionnaire; 25 minutes for a GQ person questionnaire; 10 minutes for a household reinterview; 10 minutes for a GQ-level reinterview.

Estimated Total Annual Burden Hours: 2,384,000 for household respondents; 5,025 for contacts in GQ; 62,750 for GQ residents 3,813 households for reinterview; and 237 GQ contacts for reinterview. The estimate is an annual average of 2,455,825 burden hours.

TABLE 1—ANNUAL ACS AND PRCS RESPONDENT AND BURDEN HOUR ESTIMATES

Data collection operation	Forms or instrument used in data collection	Annual estimated number of respondents	Estimated minutes per respondent by data collection activity	Annual estimated burden hours
I. ACS Household Questionnaire, Online Survey, Telephone, and Personal Visit.	ACS–1, ACS 1(SP), ACS–1PR, ACS–1PR(SP), Online Survey, Telephone, CAPI.	3,576,000	40	2,384,000

TABLE 1—ANNUAL ACS AND PRCS RESPONDENT AND BURDEN HOUR ESTIMATES—Continued

Data collection operation	Forms or instrument used in data collection	Annual estimated number of respondents	Estimated minutes per respondent by data collection activity	Annual estimated burden hours
II. ACS GQ Facility Questionnaire CAPI—Telephone and Personal Visit.	CAPI GQFQ	20,100	15	5,025
III. ACS GQ CAPI Personal Interview or Telephone, Online Survey and Paper Self-response.	CAPI, ACS–1(GQ), ACS–1(GQ)(PR)	150,600	25	62,750
IV. ACS Household Reinterview—CATI/CAPI.	ACS HU–RI	22,875	10	3,813
V. ACS GQ-level Reinterview—CATI/CAPI	ACS GQ–RI	1,422	10	237
Totals .....	.....	3,770,997	N/A	2,455,825

Estimated Total Annual Cost to Public: \$0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. 141, 193, 221, and 223.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–23329 Filed 12–18–25; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Miscellaneous Licensing and Reporting Responsibilities and Enforcement

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before February 17, 2026.

ADDRESSES: Interested persons are invited to submit comments by email to Nancy Kook, IC Liaison, Bureau of Industry and Security, at PRA@bis.doc.gov or to PRAComments@doc.gov. Please reference OMB Control Number 0694–0122 in the subject line of

your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Nancy Kook, IC Liaison, Bureau of Industry and Security, phone 202–482–2440 or by email at PRA@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information involves miscellaneous licensing and reporting requirements as well as enforcement activities that are associated with the export, reexport or transfer of items controlled by the Department of Commerce's Bureau of Industry and Security (BIS). BIS is revising the title of this collection of information to better reflect the scope of requirements associated with licensing and enforcement found in Parts 744, 748 and 758 of the Export Administration Regulations (EAR). Some of these activities involve submission of documents to BIS as well as exchange of documents among parties in the export transaction to ensure that each party understands its obligations under U.S. law. Others involve writing certain export control statements on shipping documents or reporting unforeseen changes in shipping and disposition of exported commodities. Many of these activities are needed by the Office of Export Enforcement and U.S. Customs and Border Protection (CBP) to document export transactions, enforce the EAR and protect the National Security of the United States.

II. Method of Collection

Electronic.

III. Data

OMB Control Number: 0694–0122.
Form Number(s): None.

Type of Review: Regular submission, revision of a currently approved information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,224,151.

Estimated Time per Response: 5 seconds to 2 hours.

Estimated Total Annual Burden Hours: 97,456.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Voluntary.

Legal Authority: Export Control Reform Act (ECRA) of 2018.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

*Departmental PRA Compliance Officer,
Under Secretary for Economic Affairs,
Commerce Department.*

[FR Doc. 2025–23439 Filed 12–18–25; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–351–863, C–122–872, C–201–864, C–552–844]

Certain Corrosion-Resistant Steel Products From Brazil, Canada, Mexico, and the Socialist Republic of Vietnam: Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and U.S. International Trade Commission (ITC), Commerce is issuing countervailing duty (CVD) orders on certain corrosion-resistant steel products (CORE) from Brazil, Canada, Mexico, and the Socialist Republic of Vietnam (Vietnam).

DATES: Applicable December 19, 2025.

FOR FURTHER INFORMATION CONTACT: Paul Senoyuit (Brazil), Office II, telephone: (202) 482–6106; Colin Thrasher (Canada), Office V, telephone: (202) 482–3004; Maria Aymerich (Mexico), Office IV, telephone: (202) 482–0499; and Ted Pearson (Vietnam), Office I, telephone: (202) 482–2631; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On August 29, 2025, Commerce published in the **Federal Register** its affirmative final determinations in the CVD investigations of CORE from Brazil, Canada, Mexico, and Vietnam.¹ On November 28, 2025, the ITC notified Commerce of its final determinations, pursuant to sections 705(d) of the Tariff Act of 1930, as amended (the Act), that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by

¹ See *Certain Corrosion-Resistant Steel Products from Brazil: Final Affirmative Countervailing Duty Determination*, 90 FR 42204 (August 29, 2025); see also *Certain Corrosion-Resistant Steel Products from Canada: Final Affirmative Countervailing Duty Determination*, 90 FR 42200 (August 29, 2025) (Canada Final Determination); *Certain Corrosion-Resistant Steel Products from Mexico: Final Affirmative Countervailing Duty Determination*, 90 FR 42229 (August 29, 2025) (Mexico Final Determination); and *Certain Corrosion-Resistant Steel Products from the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination*, 90 FR 42207 (August 29, 2025) (Vietnam Final Determination) (collectively, *Final Determinations*).

reason of imports of CORE from Brazil, Canada, Mexico, and Vietnam.²

Scope of the Orders

The products covered by these orders are CORE from Brazil, Canada, Mexico, and Vietnam. For a full description of the scope of these orders, see the appendix to this notice.

Countervailing Duty Orders

Based on the affirmative final determinations by the ITC that an industry in the United States is materially injured by reason of subsidized imports of CORE from Brazil, Canada, Mexico, and Vietnam,³ in accordance with sections 705(c)(2) and 706(a) of the Act, Commerce is issuing these CVD orders. Because the ITC determined that imports of CORE from Brazil, Canada, Mexico, and Vietnam are materially injuring a U.S. industry, unliquidated entries of such merchandise entered, or withdrawn from warehouse, for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instructions by Commerce, countervailing duties on certain unliquidated entries of CORE from Brazil, Canada, Mexico, and Vietnam, that were entered, or withdrawn from warehouse, for consumption on or after February 10, 2025, the date of publication of the *Preliminary Determinations*,⁴ but will not include entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final injury determination under section

² See ITC's Letter, "Notification of ITC Final Determinations," dated November 28, 2025.

³ *Id.*

⁴ See *Certain Corrosion-Resistant Steel Products from Brazil: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 90 FR 9228 (February 10, 2025); see also *Certain Corrosion-Resistant Steel Products from Canada: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 90 FR 9231 (February 10, 2025); *Certain Corrosion-Resistant Steel Products from Mexico: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 90 FR 9226 (February 10, 2025) (Mexico Preliminary Determination), and accompanying Preliminary Decision Memorandum (PDM); and *Certain Corrosion-Resistant Steel Products from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Antidumping Duty Determination*, 90 FR 9235 (February 10, 2025) (Vietnam Preliminary Determination) (collectively, *Preliminary Determinations*).

705(b) of the Act, as further described below.

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation and continue the suspension of liquidation, as applicable, of CORE from Brazil, Canada, Mexico, and Vietnam, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties on each entry of

subject merchandise in an amount based on the net countervailable subsidy rates below.⁵ These instructions suspending liquidation will remain in effect until further notice.

Commerce also intends, pursuant to section 706(a)(1) of the Act, to instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, CBP will require, at the same time as importers would normally deposit estimated customs duties on the subject merchandise, a cash deposit for each entry of subject merchandise equal to the subsidy rates listed below.⁶ The

all-others rates apply to all producers or exporters not specifically listed below, as appropriate.

Because the countervailable subsidy rates are zero and *de minimis* for subject merchandise produced and exported by Galvasid and HSG, respectively, entries of shipments of subject merchandise from these producers/exporters are excluded from the countervailing duty orders on subject merchandise from Mexico and Vietnam.

Estimated Countervailable Subsidy Rates

The estimated countervailable subsidy rates are as follows:

Company	Subsidy rate (percent <i>ad valorem</i>)
Brazil	
Companhia Siderúrgica Nacional; CSN Mineração S.A.; Companhia Energetica Chapeco; Companhia Estadual de Geração de Energia Elétrica. ⁷	16.84
Usinas Siderúrgicas de Minas Gerais S.A.; ⁸ Mineração Usiminas S.A.; Usiminas Mecânica S.A; Unigal Ltda.; Ternium Brasil Ltda	4.39
All Others	15.99
Canada	
ArcelorMittal Dofasco G.P. ⁹	1.14
Stelco, Inc	1.50
Nova Steel Inc	* 34.55
All Others	1.16
Mexico	
Ternium Mexico, S.A. de C.V	13.26
Galvasid S.A. de C.V	0.00
All Others	13.26
Vietnam	
Hoa Sen Group ¹⁰	0.30
Ton Dong A Corporation	1.29
190 Steel Pipe Co Ltd	* 257.83
Vietnam Steel Pipe Co., Ltd	* 257.83
Vina One Steel Manufacturing Corporation	* 257.83
VNSTEEL—Thang Long Coated Sheets Joint Stock Company	* 257.83
VNSTEEL—Vietnam Steel Corp	* 257.83
All Others	1.29

* Rate based on facts available with adverse inferences.

** *De minimis*.

⁵ For the *Mexico Preliminary Determination*, Commerce did not instruct CBP to suspend liquidation of entries of subject merchandise for Galvasid S.A. de C.V (Galvasid), and for the *Vietnam Preliminary Determination*, Commerce did not instruct CBP to suspend liquidation for Hoa Sen Group (HSG) or Ton Dong A Corporation (TDA) because Galvasid, HSG, and TDA's preliminary net countervailable subsidy rates were zero or *de minimis*. See *Mexico Preliminary Determination*, 90 FR at 9227; see also *Vietnam Preliminary Determination*, 90 FR at 9236. However, Commerce instructed CBP to suspend liquidation of entries of subject merchandise for TDA as a result of the *Vietnam Final Determination* because TDA's final net countervailable subsidy rate was above *de minimis*. See *Vietnam Final Determination*, 90 FR at 42208. Galvasid and HSG's final net countervailable subsidy rates were zero and *de minimis*, respectively, and, consequently,

Commerce did not instruct CBP to suspend liquidation of entries of subject merchandise for these companies. See *Mexico Final Determination*, 90 FR at 42230; see also *Vietnam Final Determination*, 90 FR at 42208.

⁶ See section 706(a)(3) of the Act.

⁷ Commerce found the following companies to be cross owned: CSN Mineração S.A.; Companhia Energetica Chapeco; and Companhia Estadual de Geração de Energia Elétrica. See *Mexico Preliminary Determination* PDM at 6.

⁸ Commerce found the following companies to be cross owned: Usiminas: Mineração Usiminas S.A.; Usiminas Mecânica S.A; Unigal Ltda.; Ternium Brasil Ltda. See *Mexico Preliminary Determination* PDM at 6–7.

⁹ Commerce found the following companies to be cross-owned with ArcelorMittal Dofasco G.P.: ArcelorMittal Canada Holdings Inc., ArcelorMittal

Canada Inc., ArcelorMittal Canada MP Inc., ArcelorMittal Long Products Canada G.P., ArcelorMittal Mining Canada GP, and ArcelorMittal Coteau-du-Lac Limited Partnership. Commerce notes that the *Canada Final Determination* listed both "ArcelorMittal Mining Canada GP" and "ArcelorMittal Exploitation Minière Canada s.e.n.c." as cross-owned entities of ArcelorMittal Dofasco G.P.; these two names refer to the same entity. As such, we have removed ArcelorMittal Exploitation Minière Canada s.e.n.c. (*i.e.*, the French spelling of the name) from the list of cross-owned entities above.

¹⁰ Commerce found the following companies to be cross-owned: Hoa Sen Nghe An One Member Limited Liabilities Company; Hoa Sen Nhon Hoi—Binh Dinh One Member Limited Liability Company; Hoa Sen Phu My One Member Limited Liabilities; and Hoa Sen Steel One Member Company Limited.

Provisional Measures

Section 703(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. In the underlying investigations, Commerce published the *Preliminary Determinations* on February 10, 2025.¹¹ As such, the four-month period beginning on the date of the publication of the *Preliminary Determinations* ended on June 9, 2025. Therefore, entries of CORE from Brazil, Canada, Mexico, and Vietnam made on or after June 10, 2025, and prior to the date of publication of the ITC's final determinations in the **Federal Register**, are not subject to the assessment of countervailing duties due to Commerce's discontinuation of the suspension of liquidation.¹²

In accordance with section 703(d) of the Act, Commerce instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, certain unliquidated entries of CORE from Brazil, Canada, Mexico, and Vietnam entered, or withdrawn from warehouse, for consumption on or after June 10, 2025, the date on which the provisional CVD measures expired, until and through the day preceding the date of publication of the ITC's final injury determinations in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC final injury determinations in the **Federal Register**.

Establishment of the Annual Inquiry Service List

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.¹³ On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal**

Register.¹⁴ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.¹⁵

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called "AISL—Annual Inquiry Service List."¹⁶

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*, the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of

appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, "after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow."¹⁷ Accordingly, as stated above, the petitioners and foreign governments should submit their initial entry of appearance after publication of this notice in order to appear in the first annual inquiry service list. Pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the CVD orders with respect to CORE from Brazil, Canada, Mexico, and Vietnam, pursuant to section 706(a) of the Act. Interested parties can find a list of CVD orders currently in effect at <https://www.trade.gov/data-visualization/adcvd-proceedings>.

These CVD orders are published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: December 15, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The products covered by these orders are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. The products covered include coils that have a width of 12.7 mm or greater, regardless of form of coil (e.g., in

¹¹ See *Preliminary Determinations*.

¹² As discussed above, Commerce did not instruct CBP to suspend liquidation of entries of subject merchandise for Galvasid (Mexico), HSG (Vietnam), or TDA (Vietnam) because the net countervailable subsidy rates for these companies were zero or *de minimis*. See *Mexico Preliminary Determination*, 90 FR at 9227; see also *Vietnam Preliminary Determination*, 90 FR at 9236. However, Commerce instructed CBP to suspend liquidation of entries of subject merchandise for TDA as a result of the *Vietnam Final Determination* because TDA's final net countervailable subsidy rate was above *de minimis*. See *Vietnam Final Determination*, 90 FR at 42208. Therefore, the discontinuation of suspension of liquidation as a result of the expiration of provisional measures, as described in this section, does not apply to TDA for which provisional measures remain in effect.

¹³ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

¹⁴ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

¹⁵ *Id.*

¹⁶ This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as "AISL—January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹⁷ See *Final Rule*, 86 FR at 52335.

successively superimposed layers, spirally oscillating, etc.). The products covered also include products not in coils (e.g., in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (e.g., in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, i.e., products which have been “worked after rolling” (e.g., products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (e.g., the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

Steel products included in the scope of these orders are products in which: (1) iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less, by weight.

Subject merchandise also includes corrosion-resistant steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the orders if performed in the country of manufacture of the in-scope corrosion resistant steel.

All products that meet the written physical description are within the scope of these orders unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of these orders:

- Flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (“terne plate”) or both chromium and chromium oxides (“tin free steel”), whether or not painted, varnished or coated with plastics or other non-metallic substances in addition to the metallic coating;
- Clad products in straight lengths of 4.7625 mm or more in composite thickness and of a width which exceeds 150 mm and measures at least twice the thickness;
- Certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 mm in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%-60%-20% ratio; and

Also excluded from the scope of the antidumping duty investigation on corrosion

resistant steel from Taiwan are any products covered by the existing antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders*, 81 FR 48390 (July 25, 2016); *Corrosion-Resistant Steel Products from Taiwan: Notice of Third Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision and Partial Exclusion from Antidumping Duty Order*, 88 FR 58245 (August 25, 2023).

Also excluded from the scope of the antidumping duty investigation on corrosion-resistant steel from the United Arab Emirates and the antidumping duty and countervailing duty investigations on corrosion-resistant steel from the Socialist Republic of Vietnam are any products covered by the existing antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China and the Republic of Korea and the antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders*, 81 FR 48390 (July 25, 2016); *see also Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order*, 81 FR 48387 (July 25, 2016). This exclusion does not apply to imports of corrosion-resistant steel that are entered, or withdrawn from warehouse, for consumption in the United States for which the relevant importer and exporter certifications have been completed and maintained and all other applicable certification requirements have been met such that the entry is entered into the United States as not subject to the antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China, the antidumping and countervailing duty orders on corrosion-resistant steel from the Republic of Korea, or the antidumping duty order on corrosion-resistant steel from Taiwan.

The products subject to these orders are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0040, 7210.49.0045, 7210.49.0091, 7210.49.0095, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5060, 7212.50.0000, 7212.60.0000, 7225.91.0000, 7225.92.0000, 7226.99.0110, and 7226.99.0130.

The products subject to these orders may also enter under the following HTSUS item numbers: 7210.90.1000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.99.0090, 7226.99.0180, 7228.60.6000, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the orders is dispositive.

[FR Doc. 2025–23430 Filed 12–18–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–853, C–201–854]

Standard Steel Welded Wire Mesh From Mexico: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders; Correction

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Notice; correction.

SUMMARY: On September 16, 2025, Commerce published in the **Federal Register** the preliminary determination of the circumvention inquiry of the antidumping and countervailing duty (AD/CVD) orders on standard steel welded wire mesh (wire mesh) from Mexico. This notice corrects the inadvertent omission of a word in Appendix II. This notice also corrects language in the certification agreement to properly reflect the name of the exporting party.

DATES: Applicable December 19, 2025.

FOR FURTHER INFORMATION CONTACT: Kayden Jenson, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0967.

SUPPLEMENTARY INFORMATION:

Background

On September 16, 2025, Commerce published in the **Federal Register** the preliminary determination of the circumvention inquiry of the AD/CVD orders on wire mesh from Mexico.¹ In that notice, in Appendix II, we inadvertently omitted a word. Additionally, the certification agreement inadvertently referred to the importing party when it should have referred to the exporting party. This notice corrects both the omitted word in Appendix II and clarifies the language contained in the certification agreement.

¹ See *Standard Steel Welded Wire Mesh from Mexico: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders*, 90 FR 44635 (September 16, 2025).

Corrections

In the **Federal Register** of September 16, 2025, in FR Doc 2025–17905, correct the following:

On page 44638, in the third column, in section K, change the following sentence from “(ii) the importer being required to post the antidumping duty cash deposits determined by Commerce; and” to “(ii) the importer being required to post the antidumping duty and countervailing duty cash deposits determined by Commerce; and . . .”

On page 44638, in the second column, in section F, revise the sentence stating “. . . entries produced and/or exported by Deacero S.A.P.I. de CV. . .” to read “. . . entries imported by Deacero USA, Inc. . .”

Also on page 44638, in the second column, in section F, revise the sentence stating “. . . certifications related to entries produced and/or exported by any company other than Deacero S.A.P.I. de CV. . .” to read “. . . certifications related to entries imported by any company other than Deacero USA, Inc. . .”

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.221(b)(5).

Dated: December 15, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–23455 Filed 12–18–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–140]

Mobile Access Equipment and Subassemblies Thereof From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that countervailable subsidies were provided

to Zhejiang Dingli Machinery Co., Ltd. (Dingli), and its cross-owned affiliates, a producer and exporter of mobile access equipment and subassemblies thereof (MAE) from the People's Republic of China (China). The period of review (POR) is January 1, 2022, through December 31, 2022.

DATES: Applicable December 19, 2025.

FOR FURTHER INFORMATION CONTACT: Paul Senoyuit, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6106.

SUPPLEMENTARY INFORMATION:

Background

On April 11, 2025, Commerce published in the **Federal Register** the *Preliminary Results* and invited interested parties to comment.¹ On August 1, 2025, Commerce extended the deadline to issue its final results for this review by 60 days to no later than October 8, 2025.² Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.³ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.⁴ Accordingly, the deadline for these final results is now December 15, 2025. For a complete description of the events that followed the initiation of this review, *see* the Issues and Decision Memorandum.⁵

¹ See *Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Preliminary Results and Rescission, in Part, of the Countervailing Duty Administrative Review; 2022*, 90 FR 15443 (April 11, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, “Extension of Deadline for Final Results of 2022 Countervailing Duty Administrative Review” dated August 1, 2025.

³ See Memorandum, “Deadlines Affected by the Shutdown of the Federal Government,” dated November 14, 2025.

⁴ See Memorandum, “Tolling of all Case Deadlines,” dated November 24, 2025.

⁵ See Memorandum, “Issues and Decision Memorandum for the Final Results in the

Scope of the Order⁶

The products covered by the *Order* are MAE from China. For a complete description of the scope of the *Order*, *see* the Issues and Decision Memorandum.

Analysis of Subsidy Programs and Comments Received

A list of the issues that parties raised, to which we responded in the Issues and Decision Memorandum, is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on our review and analysis of comments received from parties, for these final results, we made certain changes to the countervailable subsidy rate calculations for Dingli. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a financial contribution by a government or public entity that gives rise to a benefit to the recipient, and that the subsidy is specific.⁷ For a full description of the methodology underlying our conclusions, including

Countervailing Duty Administrative Review of Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China; 2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁶ See *Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination*, 86 FR 70439 (December 10, 2021) (*Order*).

⁷ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

our reliance, in part, on facts otherwise available with adverse inferences pursuant to sections 776(a) and (b) of the Act, *see* the Issues and Decision Memorandum.

Final Results of Administrative Review

Commerce determines that the following estimated countervailable subsidy rates exist for the period,

January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent <i>ad valorem</i>)
Zhejiang Dingli Machinery Co. Ltd.; Zhejiang Green Power Machinery Co., Ltd.; Zhejiang Shengda Fenghe Automotive Equipment Co., Ltd.; Zhejiang Xieheng Intelligent Equipment Co., Ltd. ⁸	32.26

Disclosure

Commerce intends to disclose its calculations and analysis performed for the final results of review within five days after the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results of review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.⁹ For all non-reviewed firms subject to the *Order*, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon

publication of these final results, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: December 15, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination*
- IV. Calculation of the All-Others Rate
- V. Subsidies Valuation Information
- VI. Benchmarks
- VII. Analysis of Programs
- VIII. Discussion of the Issues

- Comment 1: Whether Commerce Should Apply Adverse Facts Available (AFA) to the Government of China (GOC) for the MAE for More than Adequate Remuneration (MTAR) Program
- Comment 2: Whether Commerce Should Revise its Decision to Countervail the Inputs for Less-Than-Adequate Remuneration (LTAR) Based on AFA
- Comment 3: Whether Commerce Should Revise its Decision to Countervail the Electricity for LTAR Based on AFA

Comment 4: Whether Commerce Should Revise its Decision to Countervail the Provision of Land Use for LTAR Based on AFA

Comment 5: Whether Commerce Should Continue to Countervail the GOC's Provision of Other Subsidies

Comment 6: Whether Commerce Should Modify our Benchmark for the MAE for MTAR program

Comment 7: Whether Commerce Should Change the Harmonized System (HS) Subheadings for Provision of Hot-Rolled Steel (HRS) for LTAR

Comment 8: Whether Commerce Should Change the HS Subheadings for Hollow Structural Shapes (HHS) for LTAR

Comment 9: Whether Commerce Should Revise the Benchmark for Provision of Electric Motors for LTAR

Comment 10: Whether Commerce Should Revise Its Finding for Purchases of Diesel Engines for LTAR

Comment 11: Whether Commerce Should Revise the Benchmark for Hydraulic Oil LTAR

Comment 12: Whether Commerce Should Revise the Benchmark for Provision of General Ocean Freight for LTAR

Comment 13: Whether Commerce Should Revise the Benchmark for Inland Freight

Comment 14: Whether Commerce Should Correct Apparent Errors in Dingli's Reported Input Purchases

IX. Recommendation

[FR Doc. 2025–23429 Filed 12–18–25; 8:45 am]

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⁸ As discussed in the Preliminary Decision Memorandum, and unchanged in the Issues and Decision Memorandum, Commerce has found the following companies to be cross-owned with Dingli:

Zhejiang Green Power Machinery Co., Ltd.; Zhejiang Shengda Fenghe Automotive Equipment Co., Ltd.; and Zhejiang Xieheng Intelligent Equipment Co., Ltd.

⁹ *See, e.g., Honey from Argentina: Results of Countervailing Duty Administrative Review*, 69 FR 29518 (May 24, 2004), and accompanying IDM at Comment 4.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–602–812, A–351–862, A–122–871, A–201–863, A–421–818, A–791–829, A–583–878, A–489–855, A–520–811, A–552–843]

Corrosion-Resistant Steel Products From Brazil and Mexico: Amended Final Antidumping Duty Determination; Corrosion-Resistant Steel Products From Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, the Republic of Türkiye, the United Arab Emirates, and the Socialist Republic of Vietnam: Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing the antidumping duty (AD) orders on corrosion-resistant steel products (CORE) from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, the Republic of Türkiye (Türkiye), the United Arab Emirates, and the Socialist Republic of Vietnam (Vietnam). In addition, Commerce is amending its final determinations of sales at less than fair value (LTFV) with respect to CORE from Brazil and Mexico to correct ministerial errors.

DATES: Applicable December 19, 2025.

FOR FURTHER INFORMATION CONTACT: Krisha Hill (Australia), Office IV, telephone: (202) 482–4037; Nathan Araya (Brazil), Office II, telephone: (202) 482–3401; Reginald Anadio (Canada), Office IV, telephone: (202) 482–3166; Brian Smith (Mexico), Office VIII, telephone: (202) 482–1766; Rachel Jennings (Netherlands), Office V, telephone: (202) 482–1110; Jacob Saude (South Africa), Office VII, telephone: (202) 482–0981; Preston Cox (Taiwan), Office VI, telephone: (240) 956–8630; Olivia Woolverton (Türkiye), Office V, telephone: (202) 482–7452; Jose Rivera (United Arab Emirates), Office VII, telephone: (202) 482–0842; Jacob Waddell (Vietnam), Office VI, telephone: (202) 482–1369; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On August 29, 2025, Commerce published its affirmative final

determinations in the LTFV investigations of CORE from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam in accordance with sections 735(d) and 777(i) of the Tariff Act of 1930, as amended (the Act).¹ In the LTFV investigations of CORE from Brazil and Mexico, interested parties timely alleged that Commerce made certain ministerial errors. See “Amendment to the Brazil Final Determination of Sales at Less than Fair Value” and “Amendment to the Mexico Final Determination of Sales at Less than Fair Value” sections below for further discussion.

On November 28, 2025, pursuant to sections 735(d) of the Act, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of dumped imports of CORE from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam.²

Scope of the Orders

The product covered by these orders is CORE from Australia, Brazil, Canada,

¹ See *Certain Corrosion-Resistant Steel Products from Australia: Final Affirmative Determination of Sales at Less than Fair Value*, 90 FR 42189 (August 29, 2025); *Certain Corrosion-Resistant Steel Products from Brazil: Final Affirmative Determination of Sales at Less than Fair Value*, 90 FR 42219 (August 29, 2025) (*Brazil Final Determination*); *Certain Corrosion-Resistant Steel Products from Canada: Final Affirmative Determination of Sales at Less than Fair Value*, 90 FR 42194 (August 29, 2025); *Certain Corrosion-Resistant Steel Products from Mexico: Final Affirmative Determination of Sales at Less than Fair Value*, 90 FR 42187 (August 29, 2025) (*Mexico Final Determination*); *Certain Corrosion-Resistant Steel Products from the Netherlands: Final Affirmative Determination of Sales at Less than Fair Value*, 90 FR 42213 (August 29, 2025); *Certain Corrosion-Resistant Steel Products from South Africa: Final Affirmative Determination of Sales at Less than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part*, 90 FR 42198 (August 29, 2025); *Certain Corrosion-Resistant Steel Products from Taiwan: Final Affirmative Determination of Sales at Less than Fair Value*, 90 FR 42210 (August 29, 2025); *Certain Corrosion-Resistant Steel Products from the Republic of Türkiye: Final Affirmative Determination of Sales at Less than Fair Value*, 90 FR 42216 (August 29, 2025); *Certain Corrosion-Resistant Steel Products from the United Arab Emirates: Final Affirmative Determination of Sales at Less than Fair Value and Final Negative Determination of Critical Circumstances*, 90 FR 42226 (August 29, 2025); *Certain Corrosion-Resistant Steel Products from the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less than Fair Value*, 90 FR 42223 (August 29, 2025) (collectively, *Final Determinations*).

² See ITC’s Letter, “Notification of ITC Final Determinations,” dated November 28, 2025 (ITC Notification Letter).

Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam. For a complete description of the scope of the orders, see the appendix to this notice.

Amendment to the Final Determination of Sales at LTFV for Brazil

We determine that we made a ministerial error in the final determination of sales at LTFV for Brazil. Pursuant to 19 CFR 351.224(e), and as explained further in the Brazil Ministerial Error Memorandum,³ Commerce is amending the *Brazil Final Determination* to reflect the correction of a ministerial error.⁴ Correction of this error changes the final AD adjusted cash deposit rate for Usiminas Siderugicas de Minas Gerais S.A., as well as the cash deposit rate for all other producers and exporters not individually investigated. The revised rates are listed in the “Estimated Weighted-Average Dumping Margins” section, below.

Amendment to the Final Determination of Sales at LTFV for Mexico

We determine that we made a ministerial error in the final determination of sales at LTFV for Mexico. Pursuant to 19 CFR 351.224(e), and as explained further in the Mexico Ministerial Error Memorandum,⁵ Commerce is amending the *Mexico Final Determination* to reflect the correction of a ministerial error.⁶ Correction of this error changes the final AD adjusted cash deposit rate for Galvasid S.A. de C.V./Perfiles LM, S.A. de C.V., as well as the cash deposit rate for all other producers and exporters not individually investigated. The revised rates are listed in the “Estimated Weighted-Average Dumping Margins” section, below.

AD Orders

Based on the above-referenced affirmative final determinations, in accordance with section 735(c)(2) of the Act, Commerce is issuing these AD orders. Because the ITC determined that an industry in the United States is materially injured by reason of imports of CORE from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab

³ See Memorandum, “Less-Than-Fair-Value Investigation of Certain Corrosion-Resistant Steel from Brazil: Analysis of Ministerial Error Allegations,” September 16, 2025 (Brazil Ministerial Error Memorandum).

⁴ *Id.*

⁵ See Memorandum, “Less-Than-Fair-Value Investigation of Certain Corrosion-Resistant Steel from Mexico: Allegation of Ministerial Error in the Final Determination,” dated concurrently with this notice (Mexico Ministerial Error Memorandum).

⁶ *Id.*

Emirates, and Vietnam, unliquidated entries of such merchandise from these countries, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise on all relevant entries of CORE from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam. Antidumping duties will be assessed on unliquidated entries of CORE entered, or withdrawn from warehouse, for consumption on or after April 10, 2025, the date of publication of the *Preliminary Determinations*,⁷ but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described below.

Suspension of Liquidation and Cash Deposits

In accordance with section 736 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation and continue the suspension of liquidation, as applicable, on all relevant entries of CORE from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**. Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the table below. These instructions suspending liquidation and cash deposit requirements will remain in effect until further notice.

Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the tables below, adjusted by the relevant subsidy offsets. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final

affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated customs duties on subject merchandise, a cash deposit equal to the dumping rates listed in the tables below. The all-others rate for each country applies to all producers or exporters not specifically listed, as appropriate.

Critical Circumstances

Because the final critical circumstances determination for CORE from the United Arab Emirates was negative, in accordance with section 735(c)(3) of the Act, we will instruct CBP to terminate the retroactive suspension of liquidation ordered at the *Preliminary Determination* for all other producers/exporters and to refund any cash deposits required with respect to entries of subject merchandise covered by the retroactive suspension of liquidation.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

AUSTRALIA

Exporter/producer	Weighted-average dumping margin (percent)
BlueScope Steel Ltd./BlueScope Distribution Pty Ltd./Fielders Manufacturing Pty Ltd./Lysaght Building Solutions Pty Ltd	19.10
All Others	19.10

BRAZIL

Exporter/producer	Dumping rate (percent)	Cash deposit rate adjusted for subsidy offset(s) (percent)
Companhia Siderugica Nacional; Companhia Metalurgica Prada	191.26	191.26
Usinas Siderurgicas de Minas Gerais S.A.; Unigal Ltda.; Soluções em Aço Usiminas	26.15	22.22
All Others	161.52	157.59

⁷ See *Certain Corrosion-Resistant Steel Products from Australia: Preliminary Affirmative Determination of Sales at Less than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 90 FR 15347 (April 10, 2025); *Certain Corrosion-Resistant Steel Products from Brazil: Preliminary Affirmative Determination of Sales at Less than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 90 FR 15333 (April 10, 2025); *Certain Corrosion-Resistant Steel Products from Canada: Preliminary Affirmative Determination of Sales at Less than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 90 FR 15337 (April 10, 2025); *Certain Corrosion-Resistant Steel Products from Mexico: Preliminary Affirmative Determination of Sales at Less than Fair Value,*

Postponement of Final Determination, and Extension of Provisional Measures, 90 FR 15349 (April 10, 2025); *Certain Corrosion-Resistant Steel Products from the Netherlands: Preliminary Affirmative Determination of Sales at Less than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 90 FR 15352 (April 10, 2025); *Certain Corrosion-Resistant Steel Products from South Africa: Preliminary Affirmative Determination of Sales at Less than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 90 FR 15330 (April 10, 2025); *Certain Corrosion-Resistant Steel Products from Taiwan: Preliminary Affirmative Determination of Sales at Less than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 90 FR 15359 (April 10, 2025); *Certain Corrosion-Resistant Steel*

Products from the Republic of Türkiye: Preliminary Affirmative Determination of Sales at Less than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures, 90 FR 15340 (April 10, 2025); *Certain Corrosion-Resistant Steel Products from the United Arab Emirates: Preliminary Affirmative Determination of Sales at Less than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 90 FR 15355 (April 10, 2025); *Certain Corrosion-Resistant Steel Products from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 90 FR 15343 (April 10, 2025) (collectively, *Preliminary Determinations*).

CANADA

Exporter/producer	Dumping rate (percent)	Cash deposit rate adjusted for subsidy offset(s) (percent)
ArcelorMittal Dofasco G.P./ArcelorMittal Coteau-du-Lac Limited Partnership	5.59	5.59
Stelco Inc	8.13	8.13
Nova Steel Inc	* 52.08	50.25
All Others	5.79	5.79

* Rate based on facts available with adverse inferences.

MEXICO

Exporter/producer	Dumping rate (percent)	Cash deposit rate adjusted for subsidy offset(s) (percent)
Galvasid S.A. de C.V./Perfiles LM, S.A. de C.V.	24.09	24.09
Ternium Mexico S.A. de C.V./Tenigal, S.de R.L. de C.V.	14.17	1.07
All Others	17.42	4.32

THE NETHERLANDS

Exporter/producer	Weighted-average dumping margin (percent)
Tata Steel IJmuiden BV/Wuppermann Staal Nederland BV/Service Center Maastricht BV	22.64
All Others	22.64

SOUTH AFRICA

Exporter/producer	Weighted-average dumping margin (percent)
Duferco Steel Processing PTY Ltd	19.21
All Others	19.21

TAIWAN

Exporter/producer	Weighted-average dumping margin (percent)
Yieh Phui Enterprise Co., Ltd	10.85
Sheng Yu Steel Co. Ltd	* 67.81
Kounan Steel Co. Ltd	* 67.81
Meglobe Co. Ltd	* 67.81
All Others	10.85

* Rate based on facts available with adverse inferences.

TÜRKİYE

Exporter/producer	Weighted-average dumping margin (percent)
Borcelik Celik Sanayii Ticaret AS, ArcelorMittal Çelik Ticaret A.Ş., Bamesa Celik Servis San. Ve Tic. A.Ş. and Bamesa Muradiye Demir Çelik San. Ve Tic. A.Ş.	6.48
Yıldız Demir Çelik Sanayi A.S., and Yıldız Entegre Ağaç Sanayi ve Ticaret A.S.	10.49
All Others	8.06

UNITED ARAB EMIRATES

Exporter/producer	Weighted-average dumping margin (percent)
Al Ghurair Iron & Steel LLC	7.20
United Iron & Steel Company LLC/United Metal Coating	16.38
All Others	8.40

VIETNAM

Exporter	Producer	Dumping rate (percent)	Cash deposit rate adjusted for subsidy offset(s) (percent)
Hoa Sen Group/Hoa Sen Nghe An One Member Limited Liabilities Company/Hoa Sen Nhon Hoi—Binh Dinh One Member Limited Liabilities Company.	Hoa Sen Group/Hoa Sen Nghe An One Member Limited Liabilities Company/Hoa Sen Nhon Hoi—Binh Dinh One Member Limited Liabilities Company.	110.19	110.19
Ton Dong A Corporation	Ton Dong A Corporation	87.07	87.07
China Steel and Nippon Steel Viet Nam Joint Stock Company.	China Steel and Nippon Steel Viet Nam Joint Stock Company.	94.89	94.89
Hoa Phat Steel Sheet Limited Liability Company ..	Hoa Phat Steel Sheet Limited Liability Company ..	94.89	94.89
Maruichi Sun Steel Joint Stock Company	Maruichi Sun Steel Joint Stock Company	94.89	94.89
Nam Kim Steel Joint Stock Company	Nam Kim Steel Joint Stock Company	94.89	94.89
Pomina Flat Steel Joint Stock Company	Pomina Flat Steel Joint Stock Company	94.89	94.89
Sam Hwan Vina Co., Ltd	Sam Hwan Vina Co., Ltd	94.89	94.89
Southern Steel Sheet Co., Ltd	Southern Steel Sheet Co., Ltd	94.89	94.89
Tay Nam Steel Manufacturing & Trading Co., Ltd	Tay Nam Steel Manufacturing & Trading Co., Ltd	94.89	94.89
TVP Steel Trading Joint Stock Company	TVP Steel Trading Joint Stock Company	94.89	94.89
Viet Phap Steel Corrugated Joint Stock Company	Viet Phap Steel Corrugated Joint Stock Company	94.89	94.89
Vietnam-Wide Entity .....	.....	* 162.96	* 162.96

* Rate based on facts available with adverse inferences.

Provisional Measures

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that accounted for a significant proportion of exports of CORE from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam, Commerce extended the four-month period to no more than six-months.⁸

In the underlying investigations, Commerce published the *Preliminary Determinations* on April 10, 2025. Therefore, the six-month period beginning on the date of the publication of the *AD Preliminary Determinations* ended on October 6, 2025. Therefore, in accordance with section 733(d) of the Act and our practice, Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of CORE from Australia, Brazil,

Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam entered, or withdrawn from warehouse, for consumption on or after October 7, 2025, the day on which the provisional AD measures expired, until and through the day preceding the date of publication of the ITC's final injury determinations in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.⁹ On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal Register**.¹⁰ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or

suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called "AISL-Annual Inquiry Service List."¹¹

¹¹ This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant

Continued

⁸ See *Preliminary Determinations*.

⁹ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

¹⁰ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*,¹² the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website.

Special Instructions for the Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, "after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow."¹³ Accordingly, as stated above, the petitioners and the Governments of Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam should submit their initial entries of appearance after publication of this notice in order to appear in the first annual inquiry service lists for these orders. Pursuant to 19 CFR 351.225(n)(3), the petitioners and the Governments of Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and the Governments of Australia, Brazil, Canada, Mexico, the Netherlands, South

Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the AD orders with respect to CORE from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, the United Arab Emirates, and Vietnam, pursuant to section 736(a) of the Act. Interested parties can find a list of AD and countervailing duty orders currently in effect at <https://enforcement.trade.gov/stats/iastats1.html>.

The amended Brazil and Mexico final determinations and these AD orders are published in accordance with sections 735(e) and 736(a) of the Act, 19 CFR 351.224(e), and 19 CFR 351.211(b).

Dated: December 15, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The products covered by these orders are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. The products covered include coils that have a width of 12.7 mm or greater, regardless of form of coil (e.g., in successively superimposed layers, spirally oscillating, etc.). The products covered also include products not in coils (e.g., in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (e.g., in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, i.e., products which have been "worked after rolling" (e.g., products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (e.g., the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

Steel products included in the scope of these orders are products in which: (1) iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less, by weight.

Subject merchandise also includes corrosion-resistant steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the orders if performed in the country of manufacture of the in-scope corrosion resistant steel.

All products that meet the written physical description are within the scope of the order unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of these orders:

- Flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead ("terne plate") or both chromium and chromium oxides ("tin free steel"), whether or not painted, varnished or coated with plastics or other non-metallic substances in addition to the metallic coating;
- Clad products in straight lengths of 4.7625 mm or more in composite thickness and of a width which exceeds 150 mm and measures at least twice the thickness;
- Certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 mm in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%–60%–20% ratio; and

Also excluded from the scope of the antidumping duty order on corrosion resistant steel from Taiwan are any products covered by the existing antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders*, 81 FR 48390 (July 25, 2016); *Corrosion-Resistant Steel Products from Taiwan: Notice of Third Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision and Partial Exclusion from Antidumping Duty Order*, 88 FR 58245 (August 25, 2023).

Also excluded from the scope of the antidumping duty order on corrosion-resistant steel from the United Arab Emirates and the antidumping duty and countervailing duty order on corrosion-resistant steel from the Socialist Republic of Vietnam are any products covered by the existing antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China and the Republic of Korea and the antidumping duty order on corrosion-resistant steel from Taiwan. *See*

segment and SSI combination will appear in ACCESS as "AISL-January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹² See *Procedural Guidance*, 86 FR at 53206.

¹³ See *Final Rule*, 86 FR at 52335.

Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders, 81 FR 48390 (July 25, 2016); see also *Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order*, 81 FR 48387 (July 25, 2016). This exclusion does not apply to imports of corrosion-resistant steel that are entered, or withdrawn from warehouse, for consumption in the United States for which the relevant importer and exporter certifications have been completed and maintained and all other applicable certification requirements have been met such that the entry is entered into the United States as not subject to the antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China, the antidumping and countervailing duty orders on corrosion-resistant steel from the Republic of Korea, or the antidumping duty order on corrosion-resistant steel from Taiwan.

The products subject to the orders are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0040, 7210.49.0045, 7210.49.0091, 7210.49.0095, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7225.91.0000, 7225.92.0000, 7226.99.0110, and 7226.99.0130.

The products subject to the orders may also enter under the following HTSUS item numbers: 7210.90.1000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.99.0090, 7226.99.0180, 7228.60.6000, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the orders are dispositive.

[FR Doc. 2025–23431 Filed 12–18–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979, C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Changed Circumstances Reviews, and Revocation of the Antidumping and Countervailing Duty Orders, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is issuing the

final results of changed circumstances reviews (CCRs) of the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic (CSPV) cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) to revoke the orders, in part, with respect to certain off-grid CSPV panels.

DATES: Applicable December 19, 2025.

FOR FURTHER INFORMATION CONTACT:

Maureen Shaheen, Acting Director, Office of Antidumping Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3004.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, Commerce published the *Orders* on solar cells from China.¹ On September 30, 2025, Commerce published the initiation and preliminary results of these CCRs, finding that revocation, in part, of the *Orders*, with respect to certain off-grid CSPV panels was warranted, pursuant to section 751(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).² We also stated our intent to apply the partial revocation to unliquidated entries of merchandise subject to the CCRs that were entered or withdrawn from warehouse, for consumption, on or after January 1, 2024, for the *CVD Order*, and December 1, 2024, for the *AD Order*, and provided interested parties with the opportunity to comment on the *Preliminary Results*.³ On November 4 and 13, 2025, we received comments on the *Preliminary Results* from Nextpower LLC, formerly known as Nextracker LLC (Nextpower), and the American Alliance for Solar Manufacturing (the petitioner), respectively.⁴

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012) (*AD Order*); see also *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Countervailing Duty Order*, 77 FR 73017 (December 7, 2012) (*CVD Order*) (collectively, *Orders*).

² See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Initiation and Preliminary Results of Changed Circumstances Reviews and Intent to Revoke the Antidumping and Countervailing Duty Orders, in Part*, 90 FR 46795 (September 30, 2025) (*Preliminary Results*).

³ *Id.*, 90 FR at 46797.

⁴ See Nextpower's Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Case

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁵ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.⁶ Accordingly, the deadline for these final results is now January 21, 2026.

Analysis of Comments Received

All issues raised in the case briefs filed by parties in this CCR are addressed in the Issues and Decision Memorandum⁷ and listed in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of CCRs and Revocation of the Orders, in Part

In light of Nextpower's request, and the domestic interested parties' lack of interest in maintaining the *Orders* with respect to the products under consideration, Commerce continues to find, pursuant to sections 751(d)(1) and 782(h)(2) of the Act and 19 CFR 351.222(g), that changed circumstances exist that warrant revocation of the *Orders*, in part. No interested party opposed this partial revocation. Moreover, no parties provided other information or evidence that calls into question the partial revocation described in the *Preliminary Results*. Specifically, because producers accounting for substantially all the

Brief for Changed Circumstances Review," dated November 4, 2025; and Petitioner's Letter, "Changed Circumstances Review Request of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Case Brief," dated November 13, 2025.

⁵ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁶ See Memorandum, "Tolling of All Case Deadlines," dated November 24, 2025.

⁷ See Memorandum, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Changed Circumstances Reviews," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

production of the domestic like product to which the *Orders* pertain have not expressed interest in maintaining the relief provided by the *Orders* with respect to certain off-grid CSPV panels, as described below, Commerce is revoking the *Orders*, in part, with respect to certain off-grid CSPV panels with the following physical characteristics:

Also excluded from the scope of these *Orders* are off-grid CSPV panels for dedicated powering of a single low-voltage device (60Vdc or less) that:

- (A) Have a glass cover;
 - (B) Have an aluminum frame around the edges of each panel;
 - (C) Have a total power output of 140 watts or less per panel;
 - (D) Are of an elongated rectangular shape such that the long side is at least 3.5 times the length of the short side;
 - (E) Have a surface area of less than 8,200 cm² per panel;
 - (F) Connect to device with 12–16 American Wire Gauge wires between 1200 mm and 1310 mm in length; and
 - (G) Do not include a built-in inverter.⁸
- The scope description below includes this new exclusion.

Scope of the Orders

The merchandise covered by these *Orders* is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

These *Orders* covers crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise

under consideration are included in the scope of these *Orders*.

Modules, laminates, and panels produced in a third-country from cells produced in China are covered by these *Orders*; however, modules, laminates, and panels produced in China from cells produced in a third-country are not covered by these *Orders*.

Excluded from the scope of these *Orders* are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of these *Orders* are crystalline silicon photovoltaic cells, not exceeding 10,000 mm² in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Additionally, excluded from the scope of these *Orders* are panels with surface area from 3,450 mm² to 33,782 mm² with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Also excluded from the scope of these *Orders* are:

(1) Off grid CSPV panels in rigid form with a glass cover, with the following characteristics:

(A) a total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm² per panel;

(C) do not include a built-in inverter;

(D) must include a permanently connected wire that terminates in either an 8mm male barrel connector, or a two-port rectangular connector with two pins in square housings of different colors;

(E) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(F) must be in individual retail packaging (for purposes of this provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport); and

(2) Off grid CSPV panels without a glass cover, with the following characteristics:

(A) a total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm² per panel;

(C) do not include a built-in inverter;

(D) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(E) each panel is

1. permanently integrated into a consumer good;
2. encased in a laminated material without stitching, or
3. has all of the following characteristics: (i) the panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zippered storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB–A connector.

In addition, the following CSPV panels are excluded from the scope of the *Orders*:

(1) Off-grid CSPV panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water:

(A) A total power output of no more than 80 watts per panel;

(B) A surface area of less than 5,000 cm² per panel;

(C) Do not include a built-in inverter;

(D) Do not have a frame around the edges of the panel;

(E) Include a clear glass back panel; and

(F) Must include a permanently connected wire that terminates in a two-port rectangular connector.

Additionally excluded from the scope of the *Orders* are off-grid small portable crystalline silicon photovoltaic panels, with or without a glass cover, with the following characteristics: (1) a total power output of 200 watts or less per panel; (2) a maximum surface area of 16,000 cm² per panel; (3) no built-in inverter; (4) an integrated handle or a handle attached to the package for ease of carry; (5) one or more integrated kickstands for easy installation or angle adjustment; and (6) a wire of not less than 3 meters either permanently connected or attached to the package that terminates in an 8mm diameter male barrel connector.

Also excluded from the scope of the *Orders* are off-grid crystalline silicon photovoltaic panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is

⁸ See Nextpower's Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Request for Changed Circumstances Review," dated June 27, 2025, at 6.

conversion of water vapor into liquid water:

(A) A total power output of no more than 180 watts per panel at 155 degrees Celsius;

(B) A surface area of less than 16,000 cm² per panel;

(C) Include a keep-out area of approximately 1,200 cm² around the edges of the panel that does not contain solar cells;

(D) Do not include a built-in inverter;

(E) Do not have a frame around the edges of the panel;

(F) Include a clear glass back panel;

(G) Must include a permanently connected wire that terminates in a two-port rounded rectangular, sealed connector;

(H) Include a thermistor installed into the permanently connected wire before the two-port connector; and

(I) Include exposed positive and negative terminals at opposite ends of the panel, not enclosed in a junction box.

Also excluded from the scope of the *Orders* are off-grid CSPV panels in rigid form, with or without a glass cover, permanently attached to an aluminum extrusion that is an integral component of an automation device that controls natural light, whether or not assembled into a fully completed automation device that controls natural light, with the following characteristics:

(1) A total power output of 20 watts or less per panel; (2) A maximum surface area of 1,000 cm² per panel; (3) Does not include a built-in inverter for powering third party devices.

Also excluded from the scope of these *Orders* are off-grid CSPV panels for dedicated powering of a single low-voltage device (60Vdc or less) that:

(A) Have a glass cover;

(B) Have an aluminum frame around the edges of each panel;

(C) Have a total power output of 140 watts or less per panel;

(D) Are of an elongated rectangular shape such that the long side is at least 3.5 times the length of the short side;

(E) Have a surface area of less than 8,200 cm² per panel;

(F) Connect to device with 12–16 American Wire Gauge wires between 1200 mm and 1310 mm in length; and

(G) Do not include a built-in inverter

Merchandise covered by these *Orders* is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings

8501.71.0000, 8501.72.1000, 8501.72.2000, 8501.72.3000, 8501.72.9000, 8501.80.1000, 8501.80.2000, 8501.80.3000, 8501.80.9000, 8507.20.8010, 8507.20.8031, 8507.20.8041,

8507.20.8061, 8507.20.8091, 8541.42.0010, and 8541.43.0010. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Orders* are dispositive.⁹

Application of the Final Results of the CCRs

In the *Preliminary Results*, we stated our intent that “we intend to apply the partial revocation to unliquidated entries of merchandise subject to the CCRs that were entered or withdrawn from warehouse, for consumption, on or after January 1, 2024, for the *CVD Order* and December 1, 2024, for the *AD Order*” because “our practice is to limit retroactive revocation to entries not covered by an ongoing administrative review.”¹⁰ However, based on our review of the record, including comments received from interested parties regarding our *Preliminary Results*, and for the reasons explained in the Issues and Decision Memorandum, in these final results of CCRs, we determine that it is appropriate to apply the partial revocation to unliquidated entries of merchandise subject to the CCRs that were entered or withdrawn from warehouse, for consumption, on or after December 1, 2022, for the *AD Order*, and January 1, 2022, for the *CVD Order*. For further details, see the Issues and Decision Memorandum.

Instructions to U.S. Customs and Border Protection (CBP)

Because we determine that there are changed circumstances that warrant the revocation of the *Orders*, in part, we will instruct CBP to liquidate without regard to antidumping and countervailing duties, and to refund any estimated antidumping and countervailing duties deposited on all unliquidated entries of the merchandise entered, or withdrawn from warehouse, for consumption on or after December 1, 2022, for the *AD Order*, and January 1, 2022, for the *CVD Order*, that are covered by this partial revocation of the *Orders*. Commerce will also instruct CBP to discontinue the suspension of liquidation and the collection of cash deposits for estimated antidumping and countervailing duties for the product covered by the revocation.

Commerce intends to issue instructions to CBP no earlier than 35 days after the date of publication of these final results of CCRs in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the instructions will direct CBP

⁹ See *Orders*.

¹⁰ See *Preliminary Results*, 90 FR at 46797.

not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Notification Regarding Administrative Protective Order (APO)

This notice serves as a final reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to a judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results of CCRs in accordance with sections 751(b) and 777(i) of the Act, and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222(g).

Dated: December 15, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issue
 - Comment: When Commerce Should Apply the Partial Revocation
- VI. Recommendation

[FR Doc. 2025–23454 Filed 12–18–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–872]

Non-Oriented Electrical Steel from Japan: Final Results of Antidumping Duty Administrative Review; 2022–2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Nippon Steel Corporation (NSC) sold non-oriented electrical steel (NOES) from Japan in the United States at prices below normal value (NV) during the period December 1, 2022, through November 30, 2023, (the POR).

DATES: Applicable December 19, 2025.
FOR FURTHER INFORMATION CONTACT: Krisha Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4037.
SUPPLEMENTARY INFORMATION:

Background

On April 11, 2025, Commerce published the *Preliminary Results* in the **Federal Register** and invited interested parties to comment on those results.¹ On July 31, 2025, Commerce extended the deadline for issuing the final results of this review by 60 days until October 8, 2025.² Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.³ Accordingly, the deadline for these final results of review is now November 24, 2025. For details regarding the events that occurred subsequent to publication of the *Preliminary Results* in the **Federal Register**, see the Issues and Decision Memorandum.⁴ Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The product covered by the *Order* is non-oriented electrical steel from Japan. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is provided in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and

Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties regarding the *Preliminary Results*, we made certain changes to the margin calculation for NSC. Specifically, Commerce has applied partial adverse facts available (AFA) to NSC in these final results rather than total AFA. For a discussion of these changes, see the Issues and Decision Memorandum.

Final Results of Review

Commerce determines that the following estimated weighted-average dumping margin exists for the period December 1, 2022, through November 30, 2023:

Exporter or producer	Weighted-average dumping margin (percent)
Nippon Steel Corporation	47.80

Disclosure

Normally, Commerce discloses to parties to the proceeding the calculations performed in connection with the final results of review within five days of any public announcement of the final results of review or, if there is no public announcement, within five days of the date of publication of the notice of final results of review in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment of Antidumping Duties

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by the final results of this review.⁵ Specifically, Commerce will instruct CBP to assess antidumping duties on subject merchandise sold by NSC and entered, or withdrawn from warehouse, for consumption during the POR at a rate equal to the weighted-

average dumping margin listed in the table above. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the publication date of these final results of review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on, or after, the date of publication of this notice in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act: (1) for merchandise exported by NSC, the cash deposit rate will be equal to the weighted-average dumping margin listed in the table above; (2) the cash deposit rate for an exporter not covered by this administrative review, but covered in a prior completed segment of this proceeding, will continue to be the exporter's existing company-specific cash deposit rate; (3) if the exporter is not covered by this administrative review, or a completed segment of this proceeding, but the producer of the subject merchandise is covered, the cash deposit rate will be the producers' existing company-specific cash deposit rate; and (4) the cash deposit rate for all other producers and exporters will continue to be 135.59 percent, the all-others cash deposit rate established in the *Final Determination* of the less-than-fair-value investigation in this proceeding.⁶

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this period of review. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

¹ See *Non-Oriented Electrical Steel from Japan: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023*, 90 FR 15447 (April 11, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).
² See Memorandum, “Extension of Deadline for Final Results of Antidumping Duty Administrative Review,” dated July 31, 2025.
³ See Memorandum, “Deadlines Affected by the Shutdown of the Federal Government,” dated November 14, 2025.
⁴ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Non-Oriented Electrical Steel from Japan; 2022–2023,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁵ See *Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification*).

⁶ See *Order*, 79 FR at 71743.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility to return or destroy proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing the final results of this review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: December 15, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix**List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. Changes Since the Preliminary Results
- IV. Scope of the Order
- V. Discussion of the Issues
 - Comment 1: Whether Commerce Incorrectly Found NSC Was Affiliated With Certain Trading Companies
 - Comment 2: Whether Use of Adverse Inferences is Warranted
 - Comment 3: Whether Commerce Should Apply Partial, Rather Than Total, Adverse Facts Available
- VI. Recommendation

[FR Doc. 2025–23456 Filed 12–18–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE**International Trade Administration**

[A–721–001]

Steel Concrete Reinforcing Bar From Algeria: Preliminary Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that steel concrete reinforcing bar (rebar) from Algeria is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2024, through March

31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable December 19, 2025.

FOR FURTHER INFORMATION CONTACT: Anjali Mehindiratta, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9127.

SUPPLEMENTARY INFORMATION:**Background**

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on June 30, 2025.¹ Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.² Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.³ Accordingly, the deadline for this preliminary determination is now January 20, 2026.

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.⁴ A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly

¹ See *Steel Concrete Reinforcing Bar from Algeria, Bulgaria, Egypt, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 90 FR 27846 (June 30, 2025) (*Initiation Notice*).

² See Memorandum, “Deadlines Affected by the Shutdown of the Federal Government,” dated November 14, 2025.

³ See Memorandum, “Tolling of all Case Deadlines,” dated November 24, 2025.

⁴ See Memorandum, “Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Steel Concrete Reinforcing Bar from Algeria,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is rebar from Algeria. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,⁵ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).⁶ No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*. Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*. The complete description of the scope is provided in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available to determine an estimated weighted-average dumping margin for Tosyali Iron Steel Industry Algeria SPA (Tosyali Algeria), the sole mandatory respondent in this investigation, because Tosyali Algeria withdrew its participation in this investigation.

Furthermore, Commerce preliminarily determines that Tosyali Algeria failed to cooperate by not acting to the best of its ability to comply with a request for information and Commerce is using an adverse inference in selecting from facts otherwise available (*i.e.*, applying adverse facts available (AFA) to this respondent, in accordance with section 776(b) of the Act). For a full description of the methodology underlying the preliminary determination, see the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that, in a preliminary determination, Commerce shall determine an estimated weighted-average dumping margin for all-others exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any

⁵ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

⁶ See *Initiation Notice*.

zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, then Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters. Commerce has preliminarily determined that the estimated weighted-average dumping margin for Tosyali Algeria entirely under section 776 of the Act. Consequently, pursuant to section 735(c)(5)(B) of the Act, Commerce's normal practice under these circumstances has been to calculate the all-others rate as a simple average of the dumping margin(s) alleged in the petition.⁷

In the Petition,⁸ the petitioner, Rebar Trade Action Coalition, alleged a single dumping margin for Algeria of 127.32 percent.⁹ Therefore, consistent with our practice, for the all-others rate in this investigation, we preliminarily assign the dumping margin alleged in the Petition, which is 127.32 percent.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter or producer	Weighted-average dumping margin (percent)
Tosyali Iron Steel Industry Algeria SPA	* 127.32
All Others	127.32

* Rate is based on facts available with adverse inferences.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin, as follows: (1) the cash deposit rate for merchandise exported by Tosyali Algeria will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied AFA to determine the estimated weighted-average dumping margin for the individually examined company, Tosyali Algeria, in this investigation, in accordance with section 776 of the Act, and the applied AFA rate is based solely on the petition, there are no calculations to disclose.

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely

allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

Because Tosyali Algeria in this investigation did not provide the information requested by Commerce, and Commerce preliminarily determines Tosyali Algeria to have been uncooperative, Commerce will not conduct verification.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁰ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹¹

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹² Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹³

⁷ See, e.g., *Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany*, 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany*, 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2; see also *Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets from Taiwan*, 73 FR 39673, 39674 (July 10, 2008); *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances*, 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances*, 79 FR 14476, 14477 (March 14, 2014).

⁸ See Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties," dated June 4, 2025 (Petition), as revised in Petitioner's Letter, "Petitioner Response to the 2nd Supplemental Questionnaire Regarding Algeria Antidumping Duty Volume II of the Petition," dated June 23, 2025, at Exhibit II-Supp2-4.

⁹ See *Initiation Notice*, 90 FR at 27846.

¹⁰ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹¹ See 19 CFR 351.309(c)(2) and (d)(2).

¹² We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹³ See *APO and Service Final Rule*.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Final Determination

Section 735(a)(1) of the Act and 19 CFR 351.210(b)(1) provide that Commerce will issue the final determination within 75 days after the date of its preliminary determination. Accordingly, Commerce will make its final determination no later than 75 days after the signature date of this preliminary determination.

U.S. International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: December 16, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise subject to this investigation is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade or lack thereof.

The subject merchandise includes rebar that has been further processed in the subject country or a third country, including but not limited to cutting, grinding, galvanizing,

painting, coating, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the rebar.

Specifically excluded are plain rounds (i.e., nondeformed or smooth rebar).

The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under subheadings 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS subheadings including 7221.00.0017, 7221.00.0018, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6030, 7227.90.6035, 7227.90.6040, 7228.20.1000, and 7228.60.6000. HTSUS subheadings are provided for convenience and customs purposes; however, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Application of Facts Available and Use of Adverse Inference
- V. Recommendation

[FR Doc. 2025–23453 Filed 12–18–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–845]

Agreement Suspending the Antidumping Duty Investigation on Sugar From Mexico: Final Results of the 2022–2023 Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico, as amended (AD Agreement) met the statutory requirements during the period of review (POR) from December 1, 2022, through November 30, 2023. Commerce also determines that the respondents selected for individual examination, Azucarera San Jose De Abajo S.A. (San Jose) and Santa Rosalia de la Chontalpa, S.A. de C.V., and its affiliates (Santa Rosalia; collectively, Grupo BSM), were generally in compliance with the terms of the AD Agreement during the POR. However, we determine that Grupo BSM did not comply with the requirement to eliminate at least 85 percent of the dumping found in the investigation during the POR. Furthermore, we

consider the respondents' noncompliant behavior to be serious and in need of remediation, and we will implement certain steps to address the noncompliance.

DATES: Applicable December 19, 2025.

FOR FURTHER INFORMATION CONTACT:

Sally C. Gannon or Jill Buckles, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0162 or (202) 482–6230, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 7, 2025, Commerce published the *Preliminary Results* of this administrative review.¹

Pursuant to section 782(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.307(b), we conducted verification of the questionnaire responses of Grupo BSM from June 23, 2025, through June 26, 2025.²

On September 17, 2025, the American Sugar Coalition and its members (collectively, petitioners) filed a case brief,³ as did one respondent, Grupo BSM.⁴ On September 22, 2025, petitioners filed a rebuttal brief,⁵ while Grupo BSM and San Jose issued a joint rebuttal brief.⁶

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁷ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an

¹ See *Agreement Suspending the Antidumping Duty Investigation on Sugar From Mexico: Preliminary Results of the 2022–2023 Administrative Review*, 90 FR 15434 (April 11, 2025) (*Preliminary Results*).

² See Memorandum, “Verification of the Responses of Santa Rosalia and its Affiliates in the Administrative Review of the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico,” dated September 8, 2025.

³ See Petitioners' Letter, “Case Brief on Behalf of the American Sugar Coalition,” dated September 17, 2025.

⁴ See Grupo BSM's Letter, “Case Brief,” dated September 17, 2025.

⁵ See Petitioners' Letter, “Rebuttal Brief on Behalf of the American Sugar Coalition,” dated September 22, 2025.

⁶ See Respondents' Letter, “Rebuttal Brief,” dated September 22, 2025.

⁷ See Memorandum, “Deadlines Affected by the Shutdown of the Federal Government,” dated November 14, 2025.

additional 21 days.⁸ Accordingly, the deadline for these final results is now December 15, 2025.

Scope of the AD Agreement

The product covered by this AD Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. Merchandise covered by this AD Agreement is typically imported under the following headings of the HTSUS: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1020, 1701.14.1040, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1015, 1701.99.1017, 1701.99.1025, 1701.99.1050, 1701.99.5015, 1701.99.5017, 1701.99.5025, 1701.99.5050, and 1702.90.4000.⁹ The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this AD Agreement is dispositive.

A full description of the scope of the AD Agreement is contained in the Issues and Decision Memorandum.¹⁰

Analysis

Commerce continues to determine that, based on record evidence, the respondents were generally in compliance with the AD Agreement and that the AD Agreement met the statutory requirements under sections 734(c) and (d) of the Act during the POR. However, we continue to determine that Grupo BSM did not comply with the requirement to eliminate at least 85 percent of the dumping found in the investigation for both Refined and Other Sugar sales during the POR. Furthermore, we continue to consider Grupo BSM's noncompliant behavior to be serious and in need of remediation for its Other Sugar sales.

We intend to address what we have found to be serious noncompliance by Grupo BSM with an "action plan" first outlined in the *Preliminary Results*, with the exception of verification of Grupo BSM's questionnaire responses which has been completed. Commerce's next steps will include: formal consultations with the Signatories to the

AD Agreement under Section VII.E.2 (Operations Consultations); additional monitoring of Grupo BSM; and consideration of the selection of Grupo BSM in a future administrative review. These measures are necessary to ensure compliance with the AD Agreement and that any potential administrative challenges to effective monitoring are diminished.

The issues raised in the case and rebuttal briefs are addressed in the accompanying Issues and Decision Memorandum and business proprietary memorandum.¹¹ The issues are identified in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(5).

Dated: December 15, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Agreement
- IV. Discussion of the Issues

¹¹ *Id.*; see also Memorandum, "Proprietary Analysis Memorandum for the Final Results: Santa Rosalia de la Chontalpa, S.A. de C.V., and its Affiliates," dated concurrently with, and hereby adopted by, this notice.

1. Whether Commerce Should Exclude Certain Sales of Refined Sugar from Its Normal Value Calculation
2. Whether Commerce Should Use Net Realizable Value to Calculate the Cost of Sugar Cane
3. Whether Commerce Should Continue to Include Certain Sales in the Calculation of Normal Value
4. Commerce's Intent to Hold Consultations Regarding Parties' Obligations under the AD Agreement
- V. Recommendation

[FR Doc. 2025-23327 Filed 12-18-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Rescission of Antidumping and Countervailing Duty Administrative Reviews; Correction

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published a notice of rescission of antidumping and countervailing duty administrative reviews in the **Federal Register** of December 8, 2025, in which Commerce inadvertently listed the wrong case number for the antidumping duty order on Passenger Vehicle and Light Truck Tires from Taiwan (A-583-869).

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 2025, Commerce published in the **Federal Register** the *Notice of Rescission of Antidumping and Countervailing Duty Administrative Reviews*.¹ We inadvertently listed the wrong case number for the antidumping duty order on Passenger Vehicle and Light Truck Tires from Taiwan.

Correction

In the *Federal Register* of December 8, 2025, in FR Doc. 2025-22200, on page 56725, in the table, list the case number for Taiwan: Passenger Vehicle and Light Truck Tires as (A-583-869). This serves as a correction notice.

¹ See *Rescission of Antidumping and Countervailing Duty Administrative Reviews*, 90 FR 56724 (December 8, 2025).

⁸ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁹ Prior to July 1, 2016, merchandise covered by the AD Agreement was classified in the HTSUS under subheading 1701.99.1010. Prior to January 1, 2020, merchandise covered by the AD Agreement was classified in the HTSUS under subheadings 1701.14.1000 and 1701.99.5010.

¹⁰ See Memorandum, "Issues and Decision Memorandum for the Final Results of the 2022-2023 Administrative Review of the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Notification to Interested Parties

This notice is issued and published in accordance with section(s) 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: December 17, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025–23457 Filed 12–18–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XF342]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of Review Workshop for the South Atlantic Red Snapper Research Project.

SUMMARY: The review of the South Atlantic Red Snapper Research Project (SARSRP) will be conducted via an in-person review workshop. See **SUPPLEMENTARY INFORMATION.**

DATES: The SARSRP Review Workshop is scheduled for January 13–15, 2026. The meetings will be held from 8:30 a.m. until 5:30 p.m. Eastern each day.

ADDRESSES:

Meeting address: The SARSRP Review Workshop will be held at the Drury Plaza Hotel North Charleston, 2934 West Montague, North Charleston, SC 29418. The meeting will be livestreamed. Individuals may register by going to the South Carolina Sea Grant Consortium website: <https://sarsrp.scseagrant.org/report/>.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405. www.sedarweb.org.

FOR FURTHER INFORMATION CONTACT: Julie A Neer, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone (843) 302–8434; email: Julie.neer@safmc.net.

SUPPLEMENTARY INFORMATION: This SARSRP population estimation study is separate from the traditional data collection processes used to inform stock assessments. This study was designed with careful consideration of

methods to support practical application by management. Therefore, the data will be considered for incorporation into the stock assessment following review by the Center for Independent Experts (CIE). Next, the South Atlantic Fishery Management Council (SAFMC)'s Scientific and Statistical Committee (SSC) will review the data and consider it for incorporation in the red snapper stock assessment.

Visit the South Carolina Sea Grant Consortium website for more information on the project and draft report: <https://sarsrp.scseagrant.org>.

Selected reviewers will have expertise in the methods used to produce the population estimates. Following this review, the research team will have time to respond and make revisions. The full integration into management decisions will come later. Early findings should not be over-interpreted.

The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with 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 Review Workshop is a Review Summary documenting panel opinions regarding the strengths and weaknesses of the products reviewed. Review materials will be posted at <https://sarsrp.scseagrant.org/report/>.

The items of discussion in the Review Workshop are as follows:

Participants will evaluate the technical merits of the SARSRP reports, as specified in the Terms of Reference for the workshop, and determine if they are scientifically sound.

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.

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.

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 SAFMC 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 17, 2025.

Key Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2025–23441 Filed 12–18–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XF254]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to National Oceanic and Atmospheric Administration Office of Marine and Aviation Operations Research Vessel Relocation at Naval Station Newport, Rhode Island

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

ACTION: Notice; proposed issuance of an Incidental Harassment Authorization (IHA); request for comments.

SUMMARY: NMFS has received a request from the U.S. Navy on behalf of NOAA Office of Marine and Aviation Operations (OMAO) for an incidental harassment authorization (IHA) that would authorize take for a subset of activities in an IHA previously issued to OMAO to incidentally take marine mammals from construction activities at Naval Station (NAVSTA) Newport, Rhode Island, by Level B harassment only. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible 1-year renewal IHA that could be issued under certain circumstances and if all requirements are met, as described in Request for

Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than January 20, 2026.

ADDRESSES: Comments should be addressed to the Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.cockrell@noaa.gov.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (*e.g.*, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Electronic copies of the original application and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-noaa-office-marine-and-aviation-operations-research-vessel>. In case of problems accessing these documents, please call the contact listed above.

FOR FURTHER INFORMATION CONTACT: Craig Cockrell, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings

are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notification prior to concluding our NEPA process or making a final decision on the IHA request.

History of Request

On May 6, 2022, NMFS received a request from the U.S. Navy on behalf of OMAO for an IHA to take marine mammals incidental to construction activities associated with the relocation of NOAA research vessels to the Naval Station Newport in Rhode Island. OMAO’s request was for authorization of take of seven species of marine

mammals by Level B harassment and, for four of these species, Level A harassment. NMFS published a notice of the proposed IHA in the **Federal Register** on November 2, 2022 (87 FR 66133). NMFS subsequently issued the IHA on December 21, 2022 (87 FR 78072), which was effective from February 1, 2024 through January 31, 2025.

On November 15, 2024, NMFS received an application for the renewal of the 2024 IHA. The remaining activities of the construction project included removal of abandoned guide piles along the bulkhead, demolition of the current floating dock, installation of gangway support piles and fender piles, installation and removal of piles for a construction template, and construction of a small boat floating dock. Therefore, NMFS issued a renewal (90 FR 11400, March 6, 2025) (herein referred to as the 2025 renewal IHA) to OMAO authorizing take incidental to the remaining work that could not be accomplished during the timeframe of the 2024 IHA. This renewal will expire on January 31, 2026.

On August 27, 2025, the Navy on behalf of OMAO submitted an application for the remaining work that was not accomplished under the 2024 IHA and the 2025 renewal IHA. The application was deemed adequate and complete on December 5, 2025 (the 2025 Request). OMAO’s request is for take of the same seven species of marine mammals, comprising three cetacean and four pinniped stocks, by Level B harassment only. Neither OMAO nor NMFS, expect serious injury or mortality to result from this activity, and therefore, an IHA is appropriate. Take by Level A harassment (injury) is considered unlikely, even absent mitigation, based on the small sizes of the associated harassment zones. The 2024 IHA and the 2025 renewal IHA included take by Level A harassment because during that phase of construction the use of impact and a down the hole (DTH) mono-hammer was used and resulted in larger Level A harassment zones increasing the likelihood of that level of take.

This request is very similar to the 2024 IHA and NMFS relies substantially herein, as appropriate, on the information previously presented in the notices associated with the issuance of the 2024 IHA (87 FR 78072, December 21, 2022). This proposed IHA would authorize take for a subset of the activities originally planned during the 2024 IHA and the 2025 renewal IHA. However, some changes have occurred during this year’s evaluation of the project. Source levels and harassment

zone distances have been adjusted based on updated source level information and amount of time pile driving is expected to occur each day. Marine mammal densities have also been updated based on new information. The proposed mitigation, monitoring, and reporting measures remain the same as prescribed in the 2024 IHA with slight modifications (e.g., shutdown zones distance changes) (see Proposed Mitigation and Proposed Monitoring and Reporting). The proposed IHA would be valid for the statutory maximum of 1 year from the date of effectiveness, and will become effective upon written notification from the applicant to NMFS, but not beginning later than 1 year from the date of issuance or extending beyond 2 years from the date of issuance.

Description of the Proposed Activity and Anticipated Impacts

The proposed activity would establish adequate pier, shoreline, and support facilities to support the relocation of four NOAA Atlantic Fleet research vessels at NAVSTA Newport, RI. This includes the construction of a new pier, trestle, small boat floating dock, bulkhead, and shore side facilities in Coddington Cove. The 2024 IHA and the 2025 renewal IHA covered the installation and removal of 1,103 piles of various sizes over an estimated 343 days of pile driving with impact and vibratory hammers (87 FR 78072, December 21, 2022). OMAO did not complete all the initially planned work, and now requests this proposed IHA to authorize take incidental to the installation of the remaining 201 16-in (inch) steel fender piles.

The 2024 IHA and the 2025 renewal IHA authorized Level A and B harassment of four species of marine mammals and Level B harassment of three species of marine mammals. OMAO is only requesting authorization to harass these same species by Level B harassment only. Take by Level A harassment is unlikely given the small sizes of the harassment zones and expected shutdown procedure (see Proposed Mitigation) would likely prevent auditory injury of all marine mammal species that are proposed for take under this IHA.

To support public review and comment on the IHA that NMFS is proposing to issue here, we refer to the documents related to the previously issued IHA and discuss any new or changed information here. The previous documents include the **Federal Register** notice of the proposed IHA (87 FR 66133, November 2, 2022), **Federal Register** notice of issuance of the 2024

IHA (87 FR 78072, December 21, 2022), and all associated references and documents. NMFS also refers the reader to OMAO's previous and current applications and monitoring reports which can be found at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-noaa-office-marine-and-aviation-operations-research-vessel>.

Detailed Description of the Action

A detailed description of the proposed construction activities is found in these aforementioned **Federal Register** notices and documents associated with the previous IHAs. Work completed under the 2024 IHA and 2025 renewal included the use of vibratory, impact, rotary drill, and a DTH mono-hammer to install and remove piles at NAVSTA Newport. During the work completed thought the authorized period of these IHAs 782 piles were either installed or removed out of the 983 originally planned.

The location, timing, and nature of the activities, including the types of equipment planned for use (vibratory hammers), are identical to those described in the previous notices. Of the 983 piles 201 fender piles were unable to be installed during the period of authorization under the 2024 IHA and the 2025 renewal. Take incidental to this work would be authorized under this proposed IHA. In the 2024 IHA it was expected to require 50 days to install the fender piles but the Navy and OMAO have revised that estimate to 130 days in this new application. This revision was determined by the Navy and OMAO based on updated daily production estimates of vibratory pile installation.

Description of Marine Mammals

A description of the marine mammals in the area of the activities is found in the previous documents for the 2024 IHA (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022), which remains applicable to this proposed IHA. In addition, NMFS reviewed the most recent draft Stock Assessment Reports (SARs, found on NMFS' website at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>), up-to-date information on relevant Unusual Mortality Events (UMEs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-unusual-mortality-events>), and recent scientific literature and determined that no new information affects our original analysis of impacts under the 2024 IHA.

NMFS notes that, since the issuance of the 2024 IHA, new SARs are available for common dolphin (*Delphinus delphis*), harbor porpoise (*Phocoena phocoena*), and gray seals (*Halichoerus grypus*). The best estimate of abundance for each of these species has declined since the issuance of the 2024 IHA. The common dolphin abundance estimate decreased from 172,974 to 93,100 individuals, the harbor porpoise abundance estimate decreased from 95,543 to 85,765 individuals, and the estimate for the portion of gray seals present in U.S. waters decreased from 27,911 to 27,300 individuals. None of these abundance estimate decreases change the findings NMFS made in the 2024 IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activities on marine mammals and their habitat may be found in the documents supporting the 2024 IHA (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022), which remains applicable to the issuance of this proposed IHA. At present, there is no new information on potential effects that would impact our analysis.

Estimated Take

A detailed description of the methods used to estimate take anticipated to occur incidental to the proposed project can be found in the previous **Federal Register** notices for the 2024 IHA (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022) and the **Federal Register** notices for the renewal (90 FR 8009, January 23, 2025; 90 FR 11400, March 6, 2025) including incorporation of the updated 2024 Technical Guidance (89 FR 84872, October 24, 2024).

NMFS also updated the source level that was used for the vibratory installation of 16-in steel pipe piles in the previous **Federal Register** notices for the 2024 IHA (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022) from 162 Root Mean Square (RMS) decibel (dB) re 1 micro pascal (μ Pa) to 163 RMS (dB re 1 μ Pa). This update to the source level has changed the estimated Level A and Level B harassment zones that were previously estimated for the 2024 IHA and renewal of that IHA. The estimated radial distance to the Level B harassment threshold for all marine mammals is 7,356 meters (m) (2024 IHA estimated distance was 6,310 m). When calculating the maximum ensonified area the distance is truncated by shoreline in all directions, so sound will not reach the full distance of the

calculated Level B harassment isopleth. Therefore, the maximum ensounded area for this project is 8.52 kilometers (km²).

The 2024 IHA estimated the same ensounded area for the 16-in steel fender piles. Table 1 outlines the updated zone

sizes and the corresponding area of the zones.

TABLE 1—DISTANCE TO LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS FOR VIBRATORY INSTALLATION OF THE 16-IN. STEEL FENDER PILES

Injury (AUD INJ onset) Level A *			Behavioral disturbance Level B
High-frequency cetaceans 201 dB sound exposure level (SEL) _{Cumulative (CUM)} threshold radial distance/area	Very high-frequency cetaceans 181 dB SEL _{CUM} threshold radial distance/area	Phocid Pinnipeds 195 dB SEL _{CUM} threshold radial distance/area	All marine mammals 120 dB RMS threshold baseline radial distance/area
7.6 m (0.9 m)/181.5 m ² (3 m ²)	16.3 m (14.3 m)/834.7 m ² (642.4 m ²).	25.6 m (5.9 m)/2,058.9 m ² (109.3 m ²).	7,356 m (6,310 m)/8.5 km ² .

* Level A harassment zones and corresponding areas from the 2024 IHA in parentheses. The Level B harassment zone area is the same as the calculated area in the 2024 IHA.

The Navy and OMAO updated their application with revised densities for marine mammals based on updates to the Navy Marine Species Density Database (Roberts *et al.* 2023). A detailed discussion of the breakdown of the overall pinniped density by species is available in the 2024 IHA **Federal Register** notices (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022) and section 3 of the Navy and OMAO's application. These densities have been updated since the issuance of the 2024 IHA and are available in table 2 for each species.

TABLE 2—UPDATED MARINE MAMMAL DENSITIES

Species	Species density (animal/km ²) *
Atlantic white-sided dolphin	0.0001 (0.003)
Short-beaked common dolphin	0.004 (0.011)
Harbor porpoise	0.014 (0.012)
Harbor seal	0.439 (0.0623)
Gray seal	0.306 (0.131)
Harp seal	0.131 (0.05)
Hooded seal	0 (0.001)

* Densities used to estimate take in the 2024 IHA are in parentheses.

As described above the take estimates were calculated using the same methods as the 2024 IHA **Federal Register** notices (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022). However, given the low number of expected takes of Atlantic white-sided dolphin and common dolphins NMFS used data from Oliveira *et al.* (2024) to estimate the average group size of these species at 16 and 30 individuals respectively. This group size was used as a proxy for the take estimate since the calculated take was lower than the average group size. The proposed take to be authorized for this project can be found in table 3.

TABLE 3—ESTIMATED TAKE BY LEVEL B HARASSMENT BY SPECIES, AND PERCENT OF STOCK

Species	Stock	Level B take request	Stock size	Take as a percentage of the stock
Atlantic white-sided dolphin	Western North Atlantic Stock	16	93,233	<0.1
Short-beaked common dolphin	Western North Atlantic Stock	30	93,100	<0.1
Harbor porpoise	Gulf of Maine/Bay of Fundy	15	85,765	<0.1
Harbor seal	Western North Atlantic Stock	486	61,336	3.4
Gray seal	Western North Atlantic Stock	339	27,911	5.2
Harp seal	Western North Atlantic Stock	145	7,600,000	<0.1
Hooded seal	Western North Atlantic Stock	1	UNK	N/A

Proposed Mitigation

The proposed mitigation measures are nearly identical to those included in the FR Notice announcing the final 2024 IHA (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022) and the discussion of the least practicable adverse impact included in that document remains accurate. The shutdown zone sizes have been updated by the Navy. The shutdown zone sizes used in the 2024 IHA for this activity were 20 m for cetaceans and 10 m for pinnipeds. The following measures are proposed for inclusion in this IHA:

Implementation of a Shutdown Zone

For all of the proposed pile driving activities, OMAO would implement shutdowns of pile driving activity within the established zone. Implementation of shutdowns will be used to avoid incidental Level A harassment takes from the proposed vibratory pile driving. The established shutdown zone would be 35 m for all marine mammal hearing groups during the installation of the 16-in steel fender piles. The placement of protected species observers (PSOs) during all pile driving activities (see Proposed Monitoring and Reporting section) would ensure the full extent of

shutdown zones are visible to PSOs. If a marine mammal is observed within the shutdown zone, construction activity would be delayed until the animal has voluntarily exited and been visually confirmed beyond the shutdown zone or has not been observed for 15 minutes.

Establishment of a Monitoring Zone

A monitoring zone provides utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. The monitoring zone enables PSOs to be aware of and communicate the presence of marine mammals in the project area outside the

shutdown zone and thus prepare for a potential cessation of activity should the animal enter the shutdown zone. PSOs would monitor the monitoring zone to the extent practicable to maintain the best sense of where animals are moving relative to a zone boundary. The monitoring zone is equivalent to the Level B harassment zone distance which is 7,356 m. When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities would continue.

Proposed Monitoring and Reporting

Visual Monitoring

A minimum of two NMFS-approved PSOs must be stationed at strategic vantage points for the entirety of active construction operations. PSOs would be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods. At least one PSO would have prior experience performing the duties of a PSO during an activity pursuant to a NMFS-issued Incidental Take Authorization (ITA) or Letter of Concurrence (LOC). Other PSOs may substitute other relevant experience, education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued ITA/LOC.

Pre- and Post-Activity Monitoring

Monitoring would take place from 30 minutes prior to initiation of pile driving activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post-completion of pile driving activity. In addition, monitoring for 30 minutes would take place whenever a break in the specified activity (*i.e.*, vibratory pile driving) of 30 minutes or longer occurs. Pre-start clearance monitoring would be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones (*i.e.* 35 m) are clear of marine mammals. Pile driving may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals.

PSO Requirements

PSOs would be independent (*i.e.*, employees of the entity conducting construction activities may not serve as PSOs) who have no other assigned tasks during monitoring periods. At least one PSO would have prior experience performing the duties of a PSO during an activity pursuant to a NMFS-issued ITA/LOC. Other PSOs may substitute

other relevant experience, education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization. Other PSOs may substitute education (degree in biological science or related field) or training for experience.

Reporting

OMAO would submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities, or 60 days prior to a requested date of issuance of any future IHAs for the project, or other projects at the same location, whichever comes first. The marine mammal monitoring report would include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. The details of what would be included in the report are available in the 2024 IHA **Federal Register** notices (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022).

Preliminary Determinations

When issuing the 2024 IHA (87 FR 78072, December 21, 2022), NMFS found OMAO's proposed construction project would have a negligible impact on species or stocks annual rates of recruitment and survival and the amount of taking would be small relative to the population size of such species or stocks (less than 4 percent). OMAO's proposed construction activities are nearly identical to those analyzed in support of the 2024 IHA. Additionally, the potential effects of the activity, taking into consideration the proposed mitigation and related monitoring measures, are identical to those evaluated in support of the 2024 IHA. The estimated take proposed to be authorized for this subset of activity is less than what was authorized in the 2024 IHA (see table 3). The total amount of takes proposed for authorization are small relative to the best available population size of each species or stock (less than five percent for all stocks). Additionally, only Level B harassment is proposed for authorization, which NMFS expects would be of a lower severity, predominately in the form of avoidance of the sound sources that may cause a temporary abandonment of the location during active source use that may result in a temporary interruption of foraging activities for some species. NMFS does not expect that the proposed activity will have long-term or permanent impacts as the acoustic source would be relatively brief

amounts of time in relatively confined footprints and therefore, no impacts on the annual rates of recruitment or survival are expected to result.

As previously discussed in the 2024 IHA (87 FR 78072, December 21, 2022), impacts from the construction activity are expected to be localized to the specific area of activity. The specified activity and associated ensounded areas do not include habitat areas known to be of special significance (Biologically Import Areas or Endangered Species Act (ESA)-designated critical habitat) of any marine mammals species. There are over 22 documented haul-out sites throughout Narragansett Bay mainly occupied by harbor seals (The Jamestown Press 2025). The Three Sisters seal haulout is the closest to the project area, just over 1 mile (1.6 km) south of the pier on the open water edge of Coddington Cove. As hauled out seals would be out of the water, no in-water effects are expected nor are any in-air effects expected given the distance of the haulout location from the project area. In conclusion, there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has preliminarily determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the proposed authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the proposed authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) OMAO's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act (ESA)

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that

formal consultation under section 7 of the ESA is not required for this action.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to OMAO for conducting construction activities, in Newport, RI, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-noaa-office-marine-and-aviation-operations-research-vessel>.

Request for Public Comments

We request comment on our analyses (included in both this document and the referenced documents supporting the 2024 IHA), the proposed authorization, and any other aspect of this notice of Proposed IHA for the proposed construction project. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical, or nearly identical, activities as described in the Description of the Proposed Activity and Anticipated Impacts section of this notice is planned or (2) the activities as described in the Description of the Proposed Activity and Anticipated Impacts section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the History of Request section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with

the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: December 16, 2025.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2025-23393 Filed 12-18-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Highly Migratory Species Tournament Registration and Reporting

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before February 17, 2026.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648-0323 in the subject line of your comments. Do not submit Confidential

Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Clifford Hutt, Fishery Management Specialist, NOAA Fisheries Highly Migratory Species Management Division, 1315 East-West Highway, SSMC3, Silver Spring, MD 20910; 301-427-8503; or cliff.hutt@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision and extension of a currently approved information collection. Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*), NOAA's National Marine Fisheries Service (NMFS) is responsible for management of the nation's marine fisheries. Atlantic highly migratory species (HMS) fisheries (swordfish, sharks, tunas, and billfish) are managed under the 2006 Consolidated HMS Fishery Management Plan and its amendments pursuant to the authority of the Magnuson-Stevens Act and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). Existing regulations at 50 CFR part 635 require operators of tournaments involving HMS to register four weeks in advance of the tournament. Operators must provide contact information and the tournament's date(s), location(s), and target species. Operators are required to submit an HMS tournament summary report within seven days after tournament fishing has ended. Most of the catch data in the summary report is routinely collected in the course of regular tournament operations. NMFS uses the data to estimate the total annual catch of HMS and the impact of tournament operations in relation to other types of fishing activities. In addition, HMS tournament registration provides a method for tournament operators to request educational and regulatory outreach materials from NMFS. NMFS is considering modifications to the tournament registration and reporting forms, including, but not limited to: (1) updating the target species list in the tournament registration form, (2) reporting of Bluefin tuna catch by size class, (3) clarification regarding for which species tournament operators are required to report individual lengths and weights in their post-tournament catch reports, and (4) the addition of questions regarding the depredation of

tournament catch by sharks, other fish, or marine animals.

II. Method of Collection

Methods of submittal include online submission (registering/reporting), email of electronic forms, and mail of paper forms.

III. Data

OMB Control Number: 0648–0323.

Form Number(s): None.

Type of Review: Regular submission (revision and extension of a currently approved information collection).

Affected Public: Private Sector; Business or other for-profit organizations; Not-for-profit institutions.

Estimated Number of Respondents: 300.

Estimated Time per Response: Tournament registration, 2 minutes; tournament summary report, 20 minutes.

Estimated Total Annual Burden Hours: 110.

Estimated Total Annual Cost to Public: \$34.80 in recordkeeping/reporting costs.

Respondent's Obligation: Mandatory.
Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*)

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment

to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–23446 Filed 12–18–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–1174]

Agency Information Collection Activities; Comment Request; The Recognition Process for Accrediting Agencies, State Approval Agencies; Evaluation of Foreign Medical, and Foreign Veterinary Accrediting Agencies (e-Recognition)

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before February 17, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2025–SCC–1174. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 5C173, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Amy Wilson, 202–987–1318.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: The Recognition Process for Accrediting Agencies, State Approval Agencies; Evaluation of Foreign Medical, and Foreign Veterinary Accrediting Agencies (e-Recognition).

OMB Control Number: 1840–0788.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 16.

Total Estimated Number of Annual Burden Hours: 347,648.

Abstract: The United States (U.S.) Secretary of Education (the Secretary) is required by law to publish a list of nationally recognized accrediting agencies that have been determined to be reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit. The system is the e-Recognition system. In determining whether a specific agency should be recognized, the Secretary evaluates the submission for compliance with the criteria for Recognition contained in regulations. The collection of

information is necessary for the Secretary to evaluate compliance with each of the criteria and to monitor the continued compliance with the criteria during any period of recognition granted. The authority for collecting this information is contained in the Higher Education Act of 1965, as amended § 496 (HEA), and implementing regulations at 34 CFR 602. The data is required in order for recognized accrediting agencies to demonstrate compliance with 34 CFR 602. The Secretary will use these criteria in determining whether an accrediting agency is a reliable authority as to the quality of education or training provided by institutions of higher education they accredit. The data is required by State Agencies for the approval of Vocational Education to demonstrate compliance with 34 CFR 603. The Secretary will use these criteria to determine whether a State Agency for the Approval of Vocational Education is a reliable authority as to the quality of education or training provided by the vocational institutions of higher education they accredit. The data is also required in order for State approval Agencies for Nurse Education to demonstrate compliance with the criteria and procedures for recognition of State Agencies for Approval of Nurse Education. The Secretary will use these criteria in determining whether a State agency is a reliable authority as to the quality of training offered by schools of nursing.

Brian Fu,

Program and Management Analyst, Office of the Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025-23358 Filed 12-18-25; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM19-12-000]

Revisions to the Filing Process for Commission Forms; Notice of eForms Updates

Notice is hereby given that, on March 26, 2026, the eXtensible Business Reporting Language (XBRL) taxonomies, validation rules, and rendering files needed to file the FERC Form Nos. 1, 1-F, 2, 2-A, 3-Q electric, 3-Q natural gas, 6, 60, and 714¹ will be updated to

Version 2026-04-01.² Version 2026-04-01 will be effective starting with the first quarter 2026.

The draft updated (Version 2026-01-01) taxonomies, validation rules, and rendering files are currently available for download in the eForms portal (<https://ecollection.ferc.gov>) and are available for testing in the eForms portal. Suggestions on the draft Version 2026-01-01 taxonomies can be provided by March 2, 2026 through <https://XBRLview.ferc.gov>. Version 2026-01-01 includes minor technical improvements to taxonomy and rendering code and incorporates Order No. 898 taxonomy updates for FERC Form No. 60.³ For FERC Form No. 60, Version 2026-01-01 also includes technical edits to the codesets required for updating to Xule v1.2, Arelle v2.35.18, and the adoption of the XBRL Inline Renderer (XENDR) (<https://xbrl.us/xule/xendr/>) to render the human readable HTML documents.⁴

The following FERC Form filings due after March 26, 2026 must be filed using the Version 2026-04-01 taxonomies, validation rules, and rendering files: (1) the 2025 FERC Form Nos. 60 and 714 and; (2) the 2026 FERC Form Nos. 1, 1-F, 2, 2-A, 3-Q electric, 3-Q natural gas, and 6. Please see the Taxonomy History page (<https://ecollection.ferc.gov/taxonomyHistory>) for detailed version information organized by form.

Dated: December 16, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-23423 Filed 12-18-25; 8:45 am]

BILLING CODE 6717-01-P

² The Commission adopted the final XBRL taxonomies, protocols, implementation guide, and other supporting documents, and established the implementation schedule for filing the Commission Forms following a technical conference in this proceeding. *Revisions to the Filing Process for Comm'n Forms*, 172 FERC ¶ 61,059 (2020). The Commission also stated that technical updates, such as the updates referenced here, will not take effect until at least 60 days after issuance of a notice from the Office of the Secretary. *Id.* P 26.

³ *Acct. & Reporting Treatment of Certain Renewable Energy Assets*, Order No. 898, 183 FERC ¶ 61,205 (2023).

⁴ As noticed under Docket No. RM19-12-000, "Notice of FERC Form No. 60 Taxonomy Update" (April 3, 2025), Taxonomy Version 2024-04-01 was used for both the 2023 and 2024 reporting periods for FERC Form No. 60. Because of this, Arelle, Xule, and XENDR dependency updates in the FERC Form No. 60 Taxonomy Package were delayed until this 2026-01-01 draft taxonomy package. All other taxonomies adopted these updates with Version 2025-04-01.

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: RP26-293-000.

Applicants: Anigriv LLC.

Description: Application for Blanket Marketing Certificate of Anigriv LLC.

Filed Date: 12/9/25.

Accession Number: 20251209-0018.

Comment Date: 5 p.m. ET 12/22/25.

Docket Numbers: RP26-297-000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreements Filing (Koch Lands End Mico Jan 2026) to be effective 1/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215-5402.

Comment Date: 5 p.m. ET 12/29/25.

Docket Numbers: RP26-298-000.

Applicants: Portland Natural Gas Transmission System.

Description: Portland Natural Gas Transmission System submits 2025 Fuel and LAUF Report.

Filed Date: 12/15/25.

Accession Number: 20251215-5462.

Comment Date: 5 p.m. ET 12/29/25.

Docket Numbers: RP26-299-000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Formula Based Negotiated Rates—1/1/2026 to be effective 1/1/2026.

Filed Date: 12/16/25.

Accession Number: 20251216-5059.

Comment Date: 5 p.m. ET 12/29/25.

Docket Numbers: RP26-300-000.

Applicants: Columbia Gas Transmission, LLC.

Description: Compliance filing: Penalty Revenue Crediting Report 2025 to be effective N/A.

Filed Date: 12/16/25.

Accession Number: 20251216-5078.

Comment Date: 5 p.m. ET 12/29/25.

Docket Numbers: RP26-301-000.

Applicants: Cheniere Creole Trail Pipeline, L.P.

Description: § 4(d) Rate Filing: Creole Trail Revised Tariff Filing to be effective 1/16/2026.

Filed Date: 12/16/25.

Accession Number: 20251216-5100.

Comment Date: 5 p.m. ET 12/29/25.

Docket Numbers: RP26-302-000.

Applicants: Sea Robin Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Annual Flowthrough Crediting Mechanism

¹ The Commission adopted the XBRL process for filing these forms in Order No. 859. *Revisions to the Filing Process for Comm'n Forms*, Order No. 859, 167 FERC ¶ 61,241 (2019).

Filing 12–16–25 to be effective 2/1/2026.

Filed Date: 12/16/25.

Accession Number: 20251216–5151.

Comment Date: 5 p.m. ET 12/29/25.

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 16, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–23422 Filed 12–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited

off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. Each filing may be viewed on the Commission's website at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited: NONE. Exempt: 1. CP17–458–000	12–4–2025	U.S. Senator James Lankford.

Dated: December 16, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–23418 Filed 12–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–104–000.

Applicants: Arlington Energy Storage LLC.

Description: Arlington Energy Storage LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 12/15/25.

Accession Number: 20251215–5376.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: EG26–105–000.

Applicants: Mark Center Solar Project, LLC.

Description: Mark Center Solar Project, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 12/16/25.

Accession Number: 20251216–5216.

Comment Date: 5 p.m. ET 1/6/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–2878–024.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: WDT3: Order on Initial Decision Compliance Filing to be effective 4/15/2021.

Filed Date: 12/15/25.

Accession Number: 20251215–5428.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER22–1361–001.

Applicants: Georgia-Pacific Toledo LLC.

Description: Amendment to 08/15/2024 Notice of Change in Status of Georgia-Pacific Toledo LLC.

Filed Date: 12/15/25.

Accession Number: 20251215–5297.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER24–1665–001.

Applicants: Oak Leaf Solar 56 LLC.

Description: Supplement to 09/16/2024, Notice of Non-Material Change in Status of Oak Leaf Solar 56 LLC.

Filed Date: 12/15/25.

Accession Number: 20251215–5303.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–228–001.

Applicants: Interstate Power and Light Company, ITC Midwest LLC.

Description: Tariff Amendment: Interstate Power and Light Company submits tariff filing per 35.17(b): Amended Update to O&T Agreement Exhibits and Appendices (2025) to be effective 12/23/2025.

Filed Date: 12/15/25.

Accession Number: 20251215–5415.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–771–000.

Applicants: Pediment BESS I LLC.

Description: Initial Rate Filing: Co-Tenancy and Shared Facilities Agreement to be effective 2/14/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5452.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–772–000.

Applicants: AR Solar 1, LLC.

Description: Request for Limited and Prospective Waiver, et al. of AR Solar 1, LLC.

Filed Date: 12/15/25.

Accession Number: 20251215–5463.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–777–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. Informational Filing of External Market Monitor Contract with its External Market Monitor, Potomac Economics, Ltd., for the years 2026 through 2028.

Filed Date: 12/15/25.

Accession Number: 20251215–5470.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–778–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 254—NWE MATL TIA—2nd Revised Agreement to be effective 12/15/2025.

Filed Date: 12/16/25.

Accession Number: 20251216–5104.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–779–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Attachment AE Regarding the “Tank Test” to be effective 4/15/2026.

Filed Date: 12/16/25.

Accession Number: 20251216–5132.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–781–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: LOA, The City of Pasadena (EAD010/RS No. 539) to be effective 12/17/2025.

Filed Date: 12/16/25.

Accession Number: 20251216–5159.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–782–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Tri-State Solar Project LGIA Termination Filing to be effective 12/16/2025.

Filed Date: 12/16/25.

Accession Number: 20251216–5170.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–783–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Tri-State Solar Project (Phase 2) LGIA Termination Filing to be effective 12/16/2025.

Filed Date: 12/16/25.

Accession Number: 20251216–5172.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–784–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: SE Solar I (Kingston Solar) LGIA Termination Filing to be effective 12/16/2025.

Filed Date: 12/16/25.

Accession Number: 20251216–5174.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–785–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Dale County Solar Project (Hybrid Project) LGIA Termination Filing to be effective 12/16/2025.

Filed Date: 12/16/25.

Accession Number: 20251216–5178.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–786–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: SR Hope Hull LGIA Termination Filing to be effective 12/16/2025.

Filed Date: 12/16/25.

Accession Number: 20251216–5180.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–787–000.

Applicants: PowerTransitions Marketing LLC.

Description: Initial Rate Filing: PowerTransitions Marketing—Market Based Rate Tariff to be effective 2/15/2026.

Filed Date: 12/16/25.

Accession Number: 20251216–5202.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–788–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: NSA, Original Service Agreement No. 7777 Queue No. AE2–343 to be effective 2/15/2026.

Filed Date: 12/16/25.

Accession Number: 20251216–5223.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–789–000.

Applicants: Talen Montana, LLC.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 12/17/2025.

Filed Date: 12/16/25.

Accession Number: 20251216–5256.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: ER26–790–000.

Applicants: San Diego Gas & Electric.

Description: § 205(d) Rate Filing: 2026 RS Filing to be effective 1/1/2026.

Filed Date: 12/16/25.

Accession Number: 20251216–5262.

Comment Date: 5 p.m. ET 1/6/26.

Docket Numbers: TX26–2–000.

Applicants: Desert Jewel Storage, LLC.

Description: Application for Order Directing Transmission Service and Interconnection of Facilities of Desert Jewel Storage, LLC.

Filed Date: 11/14/25.

Accession Number: 20251114–5283.

Comment Date: 5 p.m. ET 1/5/26.

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 16, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-23421 Filed 12-18-25; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2025-0029; FRL-12719-02-OCSPP]

Cancellation Order for Certain Pesticide Registrations and/or Amendments To Terminate Uses (From August 05, 2025, Notice)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations and/or amendments to terminate uses, voluntarily requested by the registrants and accepted by the Agency, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows an August 05, 2025, **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 3 of Unit II, to voluntarily cancel and/or amend to terminate uses of these product registrations. In the August 05, 2025, notice, EPA indicated that it would issue an order implementing the cancellations and/or amendments to

terminate uses, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. One registrant, the registrant of 7969-33, withdrew their request. Therefore, it has been removed from this notice. Accordingly, EPA hereby issues this notice a cancellation order granting the requested cancellations and/or amendments to terminate uses. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations and/or amendments are effective December 19, 2025.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-2707; email address: green.christopher@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical

industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2025-0029, is available at <https://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the OPP Docket is (202) 566-1744. Please review the visitor instructions and additional information about the docket available at <https://www.epa.gov/dockets>.

II. What action is the Agency taking?

This notice announces the cancellations and/or amendments to terminate uses, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Tables 1, 1A and 2 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredients
228-393	228	Riverdale Resound 90DF	Chlorothalonil (081901/1897-45-6)—(90%).
228-601	228	Nufarm CTN 82.5	Chlorothalonil (081901/1897-45-6)—(82.5%).
961-277	961	Lebanon Turf Fungicide Con- tains Daconil.	Chlorothalonil (081901/1897-45-6)—(5%).
1381-222	1381	Thiophanate-Methyl 45% F Fun- gicide.	Thiophanate-methyl (102001/23564-05-8)—(46.2%).
4959-46	4959	Bio Hatch	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (069149/7173-51-5)—(7.5%).
5905-472	5905	Helena Bravo S	Chlorothalonil (081901/1897-45-6)—(19.15%), Sulfur (077501/7704-34-9)—(27.25%).
5905-527	5905	Chlorothalonil 90 D	Chlorothalonil (081901/1897-45-6)—(90%).
5905-601	5905	Omni Brand Chlorothalonil	Chlorothalonil (081901/1897-45-6)—(54%).
9779-270	9779	Chlorothalonil 4L	Chlorothalonil (081901/1897-45-6)—(40.4%).
9779-280	9779	Chlorothalonil 90 DF	Chlorothalonil (081901/1897-45-6)—(90%).
9779-320	9779	Terranil 6L	Chlorothalonil (081901/1897-45-6)—(54%).
9779-333	9779	Terranil ZN	Chlorothalonil (081901/1897-45-6)—(38.5%).
46149-1	46149	Nolo BB Concentrate	Nosema locustae (117001/—)(.1%).
46149-2	46149	Nolo Bait	Nosema locustae Canning LM (117002/—)(.05%).
53053-26	53053	Envirosystems Proshield 3651 I	1-Decanaminium, N,N-dimethyl-N-octyl-, chloride (069165/32426-11-2)—(4.8%), 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (069149/7173-51-5)—(2.88%), 1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride (107401/27668-52-6)—(35.6%), 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (069166/5538-94-3)—(1.92%), Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (069105/68424-85-1)—(6.4%).
53053-27	53053	Envirosystems Proshield 3651 D	1-Decanaminium, N,N-dimethyl-N-octyl-, chloride (069165/32426-11-2)—(4.8%), 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (069149/7173-51-5)—(2.88%), 1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride (107401/27668-52-6)—(35.6%), 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (069166/5538-94-3)—(1.92%), Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (069105/68424-85-1)—(6.4%).
71711-24	71711	NAI-301 4 SE Fungicide	Chlorothalonil (081901/1897-45-6)—(21.65%), Flutolanil (128975/66332-96-5)—(17.2%), Propiconazole (122101/60207-90-1)—(1.8%).

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredients
91861–2	91861	Bona STL Disinfecting Cleaner ..	Hydrogen peroxide (000595/7722–84–1)—(.97%).
AL–040001	95290	Curfew	Telone (029001/542–75–6)—(97.5%).
AL–170003	62719	Enlist Duo	2,4–D, choline salt (051505/1048373–72–3)—(24.4%), Glyphosate, dimethylammonium salt (103608/34494–04–7)—(22.1%).
AL–170005	62719	GF–3335	2,4–D, choline salt (051505/1048373–72–3)—(55.7%).
AL–170007	62719	GF–3335	2,4–D, choline salt (051505/1048373–72–3)—(55.7%).
IN–190001	9779	Moxy 2E	Bromoxynil octanoate (035302/1689–99–2)—(33.4%).
OR–070005	5481	Tre Hold Sprout Inhibitor	Ethyl 1-naphthaleneacetate (056008/2122–70–5)—(1.15%).
OR–110008	70506	ARY 0454–105 Suspension Concentrate Herbicide.	Flucarbazone-sodium (114009/181274–17–9)—(35%).
OR–150002	71368	Cheetah Herbicide	Glufosinate (128850/77182–82–2)—(24.5%).
OR–190003	70506	Vitafo 280	Carboxin (090201/5234–68–4)—(15.59%), Thiram (079801/137–26–8)—(13.25%).
OR–190005	62562	Sulphur W.G.	Sulfur (077501/7704–34–9)—(80%).
OR–210011	91810	Romeo	Cerevisane (cell walls of <i>Saccharomyces cerevisiae</i> strain LAS117) (100055)—(94.1%).
WA–130002	61842	Linex 4L Herbicide	Linuron (035506/330–55–2)—(40.6%).

The registrant of the products listed in Table 1A of this unit have requested 18- months to sell existing stocks of those products.

TABLE 1A—PRODUCT CANCELLATIONS, CONTINUED

Registration No.	Company No.	Product name	Active ingredients
70506–271	70506	Pegasus 82.5 DF	Chlorothalonil (081901/1897–45–6)—(82.5%).
70506–273	70506	Pegasus HPX	Chlorothalonil (081901/1897–45–6)—(54%).
70506–563	70506	Royal MH–30	Maleic hydrazide, potassium salt (051503/28382–15–2)—(21.7%).
70506–565	70506	Royal Slo-Gro	Maleic hydrazide, potassium salt (051503/28382–15–2)—(21.7%).
70506–568	70506	Royal MH–30 SG	Maleic hydrazide, potassium salt (051503/28382–15–2)—(80%).
70506–576	70506	Royal MH–30 Xtra	Maleic hydrazide, potassium salt (051503/28382–15–2)—(30.3%).

TABLE 2—PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
1021–343	1021	Pyrocid Intermediate 75–OF.	Piperonyl butoxide (067501/51–03–6)—(75%), Pyrethrins (069001/8003–34–7)—(7.5%).	Human Articles uses.
1021–1599	1021	Evercide Pressurised Pet and Plant Spray 2561.	Permethrin (109701/52645–53–1)—(.05%), Pyrethrins (069001/8003–34–7)—(.056%).	Cat uses.
2749–576	2749	Propargite Technical	Propargite (097601/2312–35–8)—(93.58%)	Use on ornamental plants.
2749–577	2749	Miteo Max II	Propargite (097601/2312–35–8)—(67.76%)	Use on ornamental plants.
2749–578	2749	Miteo Max 6EC	Propargite (097601/2312–35–8)—(67.76%)	Use on ornamental plants.
2749–579	2749	Miteo Max II EC	Propargite (097601/2312–35–8)—(67.76%)	Use on ornamental plants.
9688–314	9688	Chemsico Insecticide RTU CG.	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (069104/53516–76–0)—(.105%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (069154/85409–23–0)—(.105%), Cypermethrin (109702/52315–07–8)—(.2%).	Outdoor conventional uses.
34704–1132	34704	Mitey	Propargite (097601/2312–35–8)—(69.6%)	Ornamental Herbaceous Plants. Ornamental Conifers. Ornamental field and nursery use. Use on Christmas trees and conifers grown in containers. Use on non-bearing crops grown in containers.
70506–564	70506	Omite-6E	Propargite (097601/2312–35–8)—(69.2%)	Use on ornamental plants.
70506–566	70506	Comite	Propargite (097601/2312–35–8)—(73.6%)	Use on ornamental plants.
70506–572	70506	Omite-30WS	Propargite (097601/2312–35–8)—(32%)	Use on ornamental plants.
70506–590	70506	Omite 30W	Propargite (097601/2312–35–8)—(32%)	Use on ornamental plants.
87373–104	87373	E117.01	Propargite (097601/2312–35–8)—(69.6%)	Ornamental uses.
91234–33	91234	A117.02	Propargite (097601/2312–35–8)—(69.6%)	Ornamental uses.
91813–91	91813	Omite Technical	Propargite (097601/2312–35–8)—(90.6%)	Use on ornamental plants.
93930–72	93930	Avalaire Propargite	Propargite (097601/2312–35–8)—(69.6%)	Ornamental uses.
103050–4	103050	Zen Propargite Technical ..	Propargite (097601/2312–35–8)—(91.5%)	Ornamental uses.

Table 3 of this unit includes the names and addresses of record for all registrants of the products in Tables 1,

1A and 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA

registration numbers of the products listed above.

TABLE 3—REGISTRANTS OF CANCELLED AND/OR AMENDED PRODUCTS

Company No.	Company Name and Address
228	Nufarm Americas, Inc., 4000 Aerial Center Pkwy., Suite 101, Morrisville, NC 27560.
961	Lebanon Seaboard Corporation, 1600 East Cumberland Street, Lebanon, PA 17042.
1021	McLaughlin Gormley King Company, D/B/A MGK, 7325 Aspen Lane N, Minneapolis, MN 55428.
1381	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164–0589.
2749	Aceto Life Sciences, L.L.C., D/B/A Actylis, Agent Name: Product & Regulatory Associates, LLC, 8595 Collier Blvd. Suite 107–51, Naples, FL 34114.
4959	West Agro, Inc., 11100 N Congress Ave., Kansas City, MO 64153.
5481	AMVAC Chemical Corporation, 4695 MacArthur Court, Suite 1200, Newport Beach, CA 92660–1706.
5905	Helena Agri-Enterprises, LLC, D/B/A Helena Chemical Comp, 225 Schilling Blvd., Suite 300, Collierville, TN 38017.
9688	Chemsico, A Division of United Industries Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
9779	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164–0589.
34704	Loveland Products, Inc., Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street Ct. Nw, Gig Harbor, WA 98332.
46149	M&R Durango, Inc., P.O. Box 886, Bayfield, CO 81122.
53053	Novalent, Ltd., Agent Name: Scientific & Regulatory Consultants, Inc., 210 W Van Buren St, Columbia City, IN 46725.
61842	Tessenderlo Kerley, Inc., Agent Name: Pyxis Regulatory Consulting, Inc., 535 Dock Street, Suite 211, Tacoma, WA 98402.
62562	Quimetal Industrial S.A., Agent Name: Lewis & Harrison, LLC, 2461 South Clark Street, Suite 710, Arlington, VA 22202.
62719	Corteva Agriscience, LLC, 9330 Zionsville Road, Indianapolis, IN 46268.
70506	UPL NA, Inc., P.O. Box 12219, Research Triangle Park, NC 27709.
71368	NuFarm, Inc., Agent Name: NuFarm Americas, Inc., 4000 Aerial Center Parkway, Suite 101, Morrisville, NC 27560.
71711	Nichino America, Inc., 4550 Linden Hill Road, Suite 501, Wilmington, DE 19808.
87373	Argite, LLC, Agent Name: Pyxis Regulatory Consulting, Inc., 535 Dock Street, Suite 211, Tacoma, WA 98402.
91234	Atticus, LLC, Agent Name: Pyxis Regulatory Consulting, Inc., 535 Dock Street, Suite 211, Tacoma, WA 98402.
91810	Lesaffre Yeast Corporation, Agent Name: Wagner Regulatory Associates, Inc., 7217 Lancaster Pike, Suite A, P.O. Box 640, Hockessin, DE 19707–0640.
91813	UPL Delaware, Inc., P.O. Box 12219, Research Triangle Park, NC 27709.
91861	Bonakemi USA, Inc. (DBA Bona US), 24 Inverness Place East, Englewood, CO 80112.
93930	Avalaire, LLC, 1705 Towanda Ave., Bloomington, IL 61701.
95290	Salt Lake Holding, LLC, 2211 H.H. Dow Way, Midland, MI 48674.
103050	Zenavis, LLC, Agent Name: Pyxis Regulatory Consulting, Inc., 535 Dock Street, Suite 211, Tacoma, WA 98402.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the August 05, 2025, **Federal Register** (90 FR 37504) (FRL–12719–01–OCSP) notice announcing the Agency's receipt of the requests for voluntary cancellations and/or amendments to terminate uses of products listed in Tables 1, 1A and 2 of Unit II.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)(1)), EPA hereby approves the requested cancellations and/or amendments to terminate uses of registrations identified in Tables 1, 1A and 2 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Tables 1, 1A and 2 of Unit II, are canceled and/or amended to terminate the affected uses. The effective date of the cancellations that are subject of this notice is December 19, 2025. Any distribution, sale, or use of existing stocks of the products identified in Tables 1, 1A and 2 of Unit II, in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI, will be a violation of FIFRA.

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

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of August 05, 2025 (90 FR 37504) (FRL–12719–01–OCSP). The comment period closed on September 04, 2025.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States, and which were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stocks provision for the products subject to this order is as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II until December 21, 2026, which is 1 year after publication of this

cancellation order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1 of Unit II, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

For the products listed in Table 1A of Unit II, the registrant has requested 18-months to sell existing stocks of those products. The registrant is permitted to sell or distribute products listed in Table 1A of Unit II, until June 21, 2027, a period of 18 months after publication of the cancellation order in this **Federal Register**. Thereafter, the registrant is prohibited from selling or distributing these products, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Now that EPA has approved product labels reflecting the requested amendments to terminate uses, registrants are permitted to sell or distribute products listed in Table 2 of Unit II, under the previously approved labeling until June 21, 2027, a period of 18 months after publication of the cancellation order in this **Federal Register**, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export

consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products and/or products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and/or terminated uses.

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 14, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2025–23444 Filed 12–18–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OPRM–FAD–202]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–993–3272 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS) Filed December 8, 2025 10 a.m. EST Through December 15, 2025 10 a.m. EST Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20250170, Draft, USA, IL, Disposal and Reuse of LRA Parcel 20 at Savanna Army Depot Activity Carroll and Jo Daviess Counties, Illinois, Comment Period Ends: 02/02/2026, Contact: Mr. Joe Hand 251–694–3881.

EIS No. 20250171, Draft, USAF, TX, T–7A Recapitalization at Sheppard Air Force Base, Comment Period Ends: 02/02/2026, Contact: Ms. Chinling Chen 940–676–2732.

EIS No. 20250172, Final, USACE, ND, Dakota Access Pipeline, Lake Oahe Crossing, Review Period Ends: 01/20/2026, Contact: Brent Cossette 402–995–2716.

EIS No. 20250173, Final Supplement, BOEM, AK, Cook Inlet Planning Area Oil and Gas Lease Sale 258 In Cook Inlet, Alaska, Contact: Casey Rowe 907–312–3788.

EIS No. 20250174, Final, NMFS, HI, ADOPTION—Hawaii-California Training and Testing, Contact: Alyssa Clevenstine 301–427–8401.

The National Marine Fisheries Service (NMFS) has adopted the United States Navy's Final EIS No. 20250139 filed 09/24/2025 with the Environmental Protection Agency. The NMFS was a cooperating agency on this project. Therefore, republication of the document is not necessary.

Dated: December 15, 2025.

Nancy Abrams,

Deputy Director, Federal Activities Division.

[FR Doc. 2025–23436 Filed 12–18–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings; Notice of Meeting Held With Less Than Seven Days Advance Notice

TIME AND DATE: 10:24 a.m. on Tuesday, December 16, 2025.

PLACE: The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation's resolution, supervision, and corporate activities. In calling the meeting, the Board determined by majority vote, on motion of Acting Chairman Travis Hill, seconded by Director Jonathan V. Gould (Comptroller of the Currency), that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), and (c)(9)(B)).

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Debra A. Decker, Executive Secretary, FDIC, at FDICBoardMatters@fdic.gov.

Dated this the 17th day of December, 2025.

Federal Deposit Insurance Corporation.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2025–23449 Filed 12–17–25; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings; Notice of Meeting Held With Less Than Seven Days Advance Notice

TIME AND DATE: 10:00 a.m. on December 16, 2025.

PLACE: The meeting was held in the FDIC Board Room, 550 17th Street NW, Washington, DC, and was webcast to the public.

STATUS: Open to public observation via webcast.

MATTERS TO BE CONSIDERED: Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is given that the Federal Deposit Insurance Corporation's Board of Directors met in open session to consider the following matters:

Discussion Agenda

Proposed 2026 Operating Budget.
Interim Final Rule on Special Assessment Collection.

Notice of Proposed Rulemaking:
Approval Requirements for Issuance of Payment Stablecoins by Subsidiaries of FDIC-Supervised Insured Depository Institutions.

Summary Agenda

Final Rule: Establishment and Relocation of Branches and Offices.
Proposed 2026–2030 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 17, 2025.

Federal Deposit Insurance Corporation.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2025–23448 Filed 12–17–25; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This corrects notice FR Doc. 2025–22972 published on page 58245 the issue for Tuesday, December 16, 2025.

In the second column, paragraph A. Federal Reserve Bank of Atlanta, entry 1. the notice relating to Anthem Financial Corporation, Palauquema, Louisiana; is hereby withdrawn.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–23442 Filed 12–18–25; 8:45 am]

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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 20, 2026.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Executive Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204. Comments can also be sent electronically to BOS.SRC.Applications.Comments@bos.frb.org:

1. *Mutual Bancorp, Hyannis, Massachusetts*; to merge with Bluestone Financial, MHC, and thereby indirectly acquire Bluestone Bank, both of Raynham, Massachusetts.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–23440 Filed 12–18–25; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

[File No. 232 3016]

Illusory Systems, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before January 20, 2026.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write “Illusory Systems; File No. 232 3016” on your comment and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Ave. NW, Mail Stop H–144 (Annex B), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: M. Hasan Aijaz (214–979–9386), Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 400 7th St. SW, Washington, DC 20024.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade

Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at <https://www.ftc.gov/news-events/commission-actions>.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before January 20, 2026. Write “Illusory Systems; File No. 232 3016” on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the <https://www.regulations.gov> website.

We encourage you to submit comments through the <https://www.regulations.gov> website. Postal mail addressed to the Commission will be subject to delay because of heightened security screening. If you prefer to file your comment on paper, write “Illusory Systems; File No. 232 3016” on your comment and on the envelope, and send it via overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex B), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at <https://www.regulations.gov>, you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number; or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which . . . is privileged or confidential”—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—

including competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the <https://www.regulations.gov> website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <https://www.ftc.gov> to read this document and the news release describing the proposed settlement. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before January 20, 2026. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing a consent order from Illusory Systems, Inc., doing business as Nomad ("Respondent"). The proposed consent order ("proposed order") has been placed on the public record for 30 days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement and the comments received, then decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter involves Respondent's software development practices.

Respondent operated an online service, a token bridge, through which consumers could transfer assets to peers.

The proposed complaint alleges that Respondent claimed to keep users' assets secure, but in fact failed to implement reasonably secure software development practices. For example, the proposed complaint alleges that Respondent failed to: conduct adequate unit tests, implement a process for receiving and addressing third-party security vulnerability reports, have a Written Information Security Plan, and implement widely-known technologies that would mitigate critical loss of user funds. The proposed complaint alleges that as a result of Respondent's failures, in August 2022, hackers exploited a significant vulnerability in the token bridge and took virtually all of its assets—worth approximately \$186 million. Even after Respondent recovered some assets and returned them to users, users of the bridge were left with losses that exceeded \$100 million worth of assets.

The proposed complaint alleges that Respondent violated section 5(a) of the FTC Act by: (1) failing to employ reasonable and appropriate software development practices; and (2) misrepresenting that it implemented secure software development practices. The proposed order contains provisions designed to prevent Respondent from engaging in the same or similar acts or practices in the future.

Part I prohibits Respondent from misrepresenting (1) the extent to which Respondent implements reasonable and appropriate software development practices; and (2) the extent to which it secures consumers' financial assets.

Part II requires Respondent to establish and implement, and thereafter maintain, a comprehensive information security program ("Security Program") that protects the consumers' financial assets. Part III requires Respondent to obtain initial and biennial data security assessments for ten years. Part IV requires Respondent to disclose all material facts to the assessor and prohibits Respondent from misrepresenting any fact material to the assessment required by Part III.

Part V requires Respondent to submit an annual certification from a senior corporate manager (or senior officer responsible for its Security Program) that Respondent has implemented the requirements of the Order and is not aware of any material noncompliance that has not been corrected or disclosed to the Commission. Part VI requires Respondent to return recovered assets to users and to submit a report at the

conclusion of the program summarizing its compliance.

Part VII requires Respondent to submit an acknowledgement of receipt of the order, including all officers or directors and employees having managerial responsibilities for conduct related to the subject matter of the order, and to obtain acknowledgements from each individual or entity to which Respondent has delivered a copy of the order.

Part VIII requires Respondent to file compliance reports with the Commission and to notify the Commission of bankruptcy filings or changes in corporate structure that might affect compliance obligations. Part IX contains recordkeeping requirements for accounting records, personnel records, consumer correspondence, advertising and marketing materials, and all records necessary to demonstrate compliance with the order. Part X contains other requirements related to the Commission's monitoring of Respondent's order compliance.

Part XI provides the effective dates of the order, including that, with exceptions, the order will terminate in 10 years.

The purpose of this analysis is to facilitate public comment on the order, and it is not intended to constitute an official interpretation of the complaint or order, or to modify the order's terms in any way.

By direction of the Commission.

April J. Tabor,
Secretary.

[FR Doc. 2025-23407 Filed 12-18-25; 8:45 am]

BILLING CODE 6750-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC-2025-0453]

CAUTI Events Among Patients With Spinal Cord Injury-Associated Neurogenic Bladder (SCI-NB); Request for Information: Reopening of Comment Period

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for information (RFI).

SUMMARY: The Centers for Disease Control and Prevention (CDC), in the Department of Health and Human Services (HHS), is reopening the public comment period for a request for

information (RFI) that was initially published on September 8, 2025, regarding Catheter-associated Urinary Tract Infections (CAUTIs) among patients with Spinal Cord Injury-associated Neurogenic Bladder (SCI–NB). We want to understand better the burden of CAUTIs among this patient population and any implications related to reporting within the CDC National Healthcare Safety Network (NHSN) device-associated urinary tract infection (UTI) event module. This docket provides an opportunity for professionals who work with this patient population, as well as those who conduct NHSN UTI surveillance, to offer feedback related to our approach.

DATES: Comments must be received by February 2, 2026. Comments received after this date will not be considered.

ADDRESSES: Submit comments by either of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Comments may also be sent by mail to the attention of Henrietta Smith, Division of Healthcare Quality Promotion, National Center for Emerging and Zoonotic Infectious Diseases, CDC, 1600 Clifton Rd. NE, Mail Stop H16–3, Atlanta 30333

Instructions: All written submissions received in response to this document must include the agency name and docket number (CDC–2025–0453) for this activity. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on <https://www.regulations.gov>. Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate submissions. *Do not submit comments by email.*

FOR FURTHER INFORMATION CONTACT:

Henrietta Smith, RN, MSN, CIC, Lead-NHSN Protocol and Training Team, Surveillance Branch, Division of Healthcare Quality Promotion, by email at nhsn@cdc.gov. Please include the docket number (CDC–2025–0453) and “CAUTI events among patients with Spinal Cord Injury-associated Neurogenic Bladder (SCI–NB)” in the subject line.

SUPPLEMENTARY INFORMATION: On September 8, 2025, CDC published a

request for information in the **Federal Register** (90 FR 43187). The initial comment period closed on December 8, 2025. To allow interested parties additional time to submit comments, CDC is reopening the comment period for 45 days. CDC is committed to protecting patients and healthcare workers from adverse healthcare events and promoting safety, quality, and value in healthcare delivery. Preventing healthcare-associated infections (HAIs) is a priority for CDC and its partners in public health and healthcare. As part of this work, CDC supports surveillance of Catheter-associated Urinary Tract Infections (CAUTIs) and Non-Catheter-associated Urinary Tract Infections (UTIs) and other Urinary System Infections (USIs).

UTIs are the fifth most common type of HAI, with an estimated 62,700 UTIs in acute care hospitals in 2015. UTIs account for more than 9.5% of infections reported by acute care hospitals.¹ Virtually all healthcare-associated UTIs are associated with instrumentation of the urinary tract.

Approximately 12–16% of adult hospital inpatients will have an indwelling urinary catheter (IUC) at some time during their hospitalization, and each day the IUC remains, a patient has a 3–7% increased risk of acquiring a CAUTI.^{2,3} The outcomes of CAUTIs include discomfort to the patient, prolonged hospital stays, and other serious health complications, including death.⁴ It has been estimated that each year, more than 13,000 deaths are associated with UTIs.⁵

Historically, the National Healthcare Safety Network has not collected data that specifically identify which patients with CAUTI events have Spinal Cord Injury-associated Neurogenic Bladder (SCI–NB). To enhance CDC’s understanding of the burden of CAUTIs in this patient population, a “Neurogenic Bladder” risk factor variable has been added within the NHSN application. This variable allows NHSN users to indicate whether a CAUTI event occurred in patients with SCI–NB by using specific ICD–10–CM diagnosis codes. This new variable is currently optional.

NHSN’s current definition of SCI–NB is in Chapter 7–UTI Events of the Patient Safety Component (PSC) manual (https://www.cdc.gov/nhsn/pdfs/pscmanual/pscmanual_current.pdf). The SCI–NB ICD–10–CM diagnosis codes are available on the NHSN UTI Events web page (https://www.cdc.gov/nhsn/xls/SCI-NB_ICD-10-CM.xlsx). Additionally, the “Neurogenic Bladder” variable is accessible within the NHSN application (<https://sams.cdc.gov/>).

Note: The “Neurogenic Bladder” variable will be required starting January 2026. NHSN’s definition of SCI–NB will be expanded to include both traumatic and non-traumatic etiologies of spinal cord injuries also starting January 2026.

This docket provides an opportunity for professionals who work with the SCI–NB patient population, as well as those who conduct NHSN UTI surveillance, to share their perspectives and concerns, which will help inform our decisions on the “Neurogenic Bladder” variable in the future. The CDC is also seeking additional insights into the unintended consequences of including the SCI–NB patient population in UTI surveillance, and public comments will help guide our approach moving forward. Specifically, CDC is interested in receiving information related to the following:

1. What challenges or barriers might the required reporting of spinal cord injury-associated neurogenic bladder ICD–10–CM diagnosis codes within the NHSN application pose for your facility? How could these challenges or barriers be minimized?

2. Would your facility be able to report the necessary procedure code data within 4.5 months of the end of the quarter in which the procedure occurred? If not, why not, and what is the shortest amount of time following the end of the quarter that the complete data would be available?

3. At your facility, of the patients with spinal cord injury, what injury type or condition (ICD–10–CM diagnosis codes can be provided) is most strongly associated with CAUTIs?

4. At your facility, have patients with spinal cord injury-associated neurogenic bladder experienced harms, complications, or any other unintended consequences from efforts to monitor and prevent CAUTIs?

References

1. Magill S., O’Leary S. Janelle D., et al. Changes in Prevalence of Health Care Associated Infection in the U.S. Hospitals. *New England Journal of Medicine*. 2018;379: 1732–1744.
2. McGuckin M. The patient survival guide: 8 simple solutions to prevent hospital and healthcare-associated infections. New York, NY: Demos Medical Publishing; 2012.
3. Lo E, Nicolle LE, Coffin SE, Gould C, Maragakis LL, Madding’s J, et al. Strategies to prevent catheter-associated urinary tract infections in acute care hospitals: 2014 update. *Infection Control and Hospital Epidemiology* 2014; 35:464–79.
4. Scott R. The Direct Medical Costs of Healthcare-Associated Infections in U.S. Hospitals and the Benefits of Prevention, 2009. Division of Healthcare Quality

Promotion, National Center for Preparedness, Detection, and Control of Infectious Diseases, Coordinating Center for Infectious Diseases, Centers for Disease Control and Prevention, February 2009.

5. Kelvins, R., Edward, J., et al. Estimating Healthcare-associated Infections and Deaths in U.S. Hospitals. *Public Health Reports*. 2007;122: 160–166.

Noah Aleshire,

Chief Regulatory Officer, Centers for Disease Control and Prevention.

[FR Doc. 2025–23450 Filed 12–18–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3482–N]

Announcement of the Approval of COLA as an Accreditation Organization for the Specialties of Clinical Cytogenetics and Radiobioassay Under the Clinical Laboratory Improvement Amendments of 1988

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the application of the Commission on Laboratory Accreditation (COLA) for approval as an accreditation organization for clinical laboratories under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) program for the specialties of Clinical Cytogenetics and Radiobioassay. We have determined that COLA meets or exceeds the applicable CLIA requirements. Consequently, we are granting COLA deeming authority for the specialties of Clinical Cytogenetics and Radiobioassay for a period of 5 years.

DATES: This notice is applicable from January 20, 2026 to January 20, 2031.

FOR FURTHER INFORMATION CONTACT: Sam Cyrus, (443) 896–4827.

SUPPLEMENTARY INFORMATION:

I. Background

On October 31, 1988, Congress enacted the Clinical Laboratory Improvement Amendments of 1988 (CLIA) (Pub. L. 100–578). CLIA amended section 353 of the Public Health Service Act. We issued a final rule implementing the accreditation provisions of CLIA on July 31, 1992 (57 FR 33992). Under those provisions, CMS may grant deeming authority to an

accreditation organization if its requirements for laboratories accredited under its program are equal to or more stringent than the applicable CLIA program requirements in 42 CFR part 493 (Laboratory Requirements). Subpart E of part 493 (Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program) specifies the requirements an accreditation organization must meet to be approved by CMS as an accreditation organization under CLIA.

II. Notice of Approval of COLA for the Specialties of Clinical Cytogenetics and Radiobioassay

In this notice, we approve the Commission on Laboratory Accreditation (COLA) as an organization that may accredit laboratories for purposes of establishing their compliance with CLIA requirements for the specialties of Clinical Cytogenetics and Radiobioassay. We have examined the initial COLA application and all subsequent submissions to determine its accreditation program's equivalency with the requirements for approval of an accreditation organization under subpart E of part 493. We have determined that COLA meets or exceeds the applicable CLIA requirements. We have also determined that COLA will ensure that its accredited laboratories will meet or exceed the applicable requirements in subparts H, I, J, K, M, Q, and the applicable sections of subpart R. Therefore, we grant COLA approval as an accreditation organization under subpart E of part 493, for the period stated in the **DATES** section of this notice for the specialties of Clinical Cytogenetics and Radiobioassay. As a result of this determination, any laboratory that is accredited by COLA during the time period stated in the **DATES** section of this notice will be deemed to meet the CLIA requirements for the specialties of Clinical Cytogenetics and Radiobioassay, and therefore, will generally not be subject to routine inspections by a State survey agency to determine its compliance with CLIA requirements. The accredited laboratory, however, is subject to validation and complaint investigation surveys performed by CMS, or its agent(s).

III. Evaluation of COLA's Request for Approval as an Accreditation Organization Under CLIA for the Specialties of Clinical Cytogenetics and Radiobioassay

The following describes the process used to determine that COLA accreditation program meets the

necessary requirements to be approved by CMS and that, as such, CMS may approve COLA as an accreditation program with deeming authority under the CLIA program. In reviewing these materials, we reached the following determinations for each applicable part of the CLIA regulations:

Subpart E—Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program

COLA submitted its mechanism for monitoring compliance with all requirements equivalent to condition-level requirements, a list of all its current laboratories and the expiration date of their accreditation, and a detailed comparison of the individual accreditation requirements with the comparable condition-level requirements. We have determined that COLA policies and procedures for oversight of laboratories performing laboratory testing for the specialties of Clinical Cytogenetics and Radiobioassay are equivalent to those required under the CLIA regulations in the matters of inspection, monitoring proficiency testing (PT) performance, investigating complaints, and making PT information available. COLA submitted documentation regarding its requirements for monitoring and inspecting laboratories and describing its standards regarding data management, the inspection process, procedures for removal or withdrawal of accreditation, notification requirements for laboratories out of compliance, and accreditation organization resources. We have determined that COLA's requirements for monitoring and inspecting laboratories are equivalent to those required under our regulations for laboratories in the areas of data management, the inspection process, procedures for removal or withdrawal of accreditation, notification requirements for laboratories out of compliance, and accreditation organization resources. Therefore, we have determined that the requirements of the accreditation program submitted for approval are equal to or more stringent than the requirements of the CLIA regulations.

Subpart H—Participation in Proficiency Testing for Laboratories Performing Nonwaived Testing

We have determined that COLA's requirements are equal to or more stringent than the CLIA requirements at §§ 493.801 through 493.865.

Subpart J—Facility Administration for Nonwaived Testing

We have determined that COLA's requirements for the specialties of Clinical Cytogenetics and Radiobioassay are equal to or more stringent than the CLIA requirements at §§ 493.1100 through 493.1105.

Subpart K—Quality System for Nonwaived Testing

We have determined that COLA's requirements for the specialties of Clinical Cytogenetics and Radiobioassay are equal to or more stringent than the CLIA requirements at §§ 493.1200 through 493.1299.

Subpart M—Personnel for Nonwaived Testing

We have determined that COLA's requirements for the specialties of Clinical Cytogenetics and Radiobioassay are equal to or more stringent than the CLIA requirements at §§ 493.1403 through 493.1495 for laboratories that perform moderate and high complexity testing.

Subpart Q—Inspection

We have determined that COLA's requirements for the specialties of Clinical Cytogenetics and Radiobioassay are equal to or more stringent than the CLIA requirements at §§ 493.1771 through 493.1780.

Subpart R—Enforcement Procedures

We have determined that COLA's requirements for the specialties of Clinical Cytogenetics and Radiobioassay meet the requirements of subpart R to the extent that it applies to accreditation organizations. COLA policy sets forth the actions the organization takes when laboratories it accredits do not comply with its requirements and standards for accreditation. When appropriate, COLA will deny, suspend, or revoke accreditation in a laboratory accredited by COLA and report that action to us within 30 days. COLA also provides an appeal process for laboratories that have had accreditation denied, suspended, or revoked.

We have determined that COLA's laboratory enforcement and appeal policies are equal to or more stringent than the requirements of part 493 subpart R as they apply to accreditation organizations.

IV. Federal Validation Inspections and Continuing Oversight

The Federal validation inspections of laboratories accredited by COLA may be conducted on a representative sample basis or in response to substantial allegations of noncompliance (that is,

complaint inspections). The outcome of those validation inspections, performed by CMS or our agents, or the State survey agencies, will be our principal means for verifying that the laboratories accredited by COLA remain in compliance with CLIA requirements. This Federal monitoring is an ongoing process.

V. Removal of Approval as an Accrediting Organization

CLIA regulations at § 493.575 provide that we may rescind the approval of an accreditation organization, such as that of COLA, before the end of the effective date of approval in certain circumstances. For example, If we determine that COLA has failed to adopt, maintain and enforce requirements that are equal to, or more stringent than, the CLIA requirements, or that systemic problems exist in its monitoring, inspection or enforcement processes, we may impose a probationary period, not to exceed 1 year, in which COLA would be allowed to address any identified issues. Should COLA be unable to address the identified issues within that timeframe, CMS may, in accordance with the applicable regulations, revoke COLA's deeming authority under CLIA.

Should circumstances result in our withdrawal of COLA's approval, we will publish a notice in the **Federal Register** explaining the basis for removing its approval.

VI. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget (OMB) under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The requirements associated with the accreditation process for clinical laboratories under the CLIA program, codified in 42 CFR part 493 subpart E, are currently approved by OMB under OMB control number 0938–0686.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Mehmet Oz, having reviewed and approved this document, authorizes Vanessa Garcia, who is the **Federal Register** Liaison, to electronically sign

this document for purposes of publication in the **Federal Register**.

Vanessa Garcia,
Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2025–23434 Filed 12–18–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice.

SUMMARY: Statement of Organizations, Functions, and Delegations of Authority.

The Administration for Children and Families (ACF) has renamed the Office of Child Support Services. This notice changes the name of the office from Office of Child Support Services (OCSS) to Office of Child Support Enforcement (OCSE).

FOR FURTHER INFORMATION CONTACT: Linda Boyer, Deputy Commissioner, Office of Child Support Enforcement, 330 C Street SW, Washington, DC 20201, 202–401–5410.

SUPPLEMENTARY INFORMATION: This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (HHS), Administration for Children and Families (ACF), to be revised as follows: Chapter KF, Office of Child Support Enforcement, as last amended 88 FR 36587, June 5, 2023.

I. Under Chapter KF, Office of Child Support Services, delete KF in its entirety and replace with the following:

KF.00 Mission: The Office of Child Support Enforcement (OCSE) advises the Secretary, through the Assistant Secretary for Children and Families/ Director of the Office of Child Support Enforcement, on matters pertaining to the child support and access and visitation programs. OCSE provides direction, guidance, and oversight to state and tribal child support programs, the Central Authority for international child support cases, and state access and visitation programs for activities authorized and directed by title IV–D of the Social Security Act and other pertinent legislation. OCSE's core mission is dedicated to establishing paternity and obtaining child support in order to encourage responsible

parenting, family self-sufficiency, and child well-being, and to recognize the essential role of both parents in supporting their children. The national child support program assures that assistance in obtaining support, including financial and medical, is available to children through locating parents, establishing paternity, establishing and modifying support obligations, and monitoring and enforcing those obligations. The specific responsibilities of this Office are to develop, recommend, and issue policies, procedures, and interpretations for state and tribal programs for locating noncustodial parents, establishing paternity, and obtaining child support; develop procedures for review and approval or disapproval of state and tribal plan material; conduct audits of state child support programs; assist states and tribes in establishing adequate reporting procedures and maintaining records for the operation of their child support programs and of amounts collected and disbursed under the child support program and the costs incurred in collecting such amounts; operate the United States and Tribes Central Authority for International Child Support; monitor the access and visitation and fatherhood programs; and provide technical assistance and training to the states and tribes to help them develop effective procedures and systems for services provided by the child support program, including automation, outreach, referral, and case management in partnership with employers, courts, and responsible fatherhood, workforce, and other programs to increase the long-term reliability of support payments available to children. OCSE also operates competitive grant programs for child support in collaboration with several other components within ACF. It also operates the Federal Parent Locator Service (FPLS); certifies to the Secretary of the Treasury amounts of child support obligations that require collection in appropriate instances; transmits to the Secretary of State certifications of arrearages for passport denial; submits reports to Congress, as requested, on activities undertaken relative to the child support program; approves advance data processing planning documents; and reviews, assesses, and inspects planning, design, and operation of state and tribal management information systems. FPLS also assists other federal, state, and local agencies not involved in child support to fulfill their respective missions, save taxpayer dollars, and improve service to the public.

KF.10 Organization. The Office of Child Support Enforcement is headed by the Director. The office is organized as follows:

Office of the Director/Deputy Director/
Commissioner (KFA)
Office of Audit (KFAA)
Office of the Deputy Commissioner
(KFB)
Division of Business and Resource
Management (KFB2)
Division of Customer Communications
(KFB3)
Division of Policy and Training (KFB5)
Division of Program Innovation (KFB7)
Division of Regional Operations (KFB8)
Child Support Services Regional
Program Units (KFB8DI–X)
Division of Federal Systems (KFB9)
Division of State and Tribal Systems
(KFB10)

KF.20 Functions. Office of the Director and Deputy Director/Commissioner (KFA): The Director is also the Assistant Secretary for Children and Families and is directly responsible to the Secretary for carrying out OCSE's mission. The Deputy Director/Commissioner has day-to-day operational responsibility for OCSE. The Deputy Director/Commissioner assists the Director in carrying out responsibilities of the Office and provides direction and leadership to the Office of the Deputy Commissioner and the Office of Audit.

The Deputy Director/Commissioner provides leadership and direction to OCSE and is responsible for developing regulations, guidance, and standards for state/tribes to follow in locating absent parents; establishing paternity and support obligations; maintaining relationships with Department officials, other federal departments, state and tribal and local officials, and private organizations and individuals interested in the child support program; coordinating and planning child support program activities to maximize program effectiveness; program outreach, as well as access and visitation programs and advocacy interests; and approving all instructions, policies, and publications. The Deputy Director/Commissioner is also responsible for the operations and maintenance of FPLS, management and financial analysis and strategy development, internal OCSE operations, and compliance with federal laws and policies. The Deputy Director/Commissioner is responsible for collaborating with the Office of Legislative Affairs and Budget and the Government Accountability Office on studies related to the child support program. In addition, the Deputy Director/Commissioner maintains OCSE's Continuity of Operations Plan.

Office of Audit (KFAA): The Office of Audit develops, plans, schedules, and conducts periodic audits of child support programs in accordance with audit standards promulgated by the Comptroller General. The office is headed by an Office Director and reports directly to the Commissioner. The Office conducts audits, at least once every 3 years (or more frequently if it is determined that a state has unreliable data or fails to meet the performance standards) to determine the reliability of state financial and statistical data reporting systems used in calculating the performance indicators used as the basis for the payment of performance-based financial incentives to the state. These audits include testing of the data produced by the system to ensure that it is valid, complete, and reliable. The audits also include a review of the state's physical security and access controls.

The Office will also conduct financial audits to determine whether federal and other funds made available to carry out the child support program are being appropriately expended, and properly and fully accounted for. These audits examine collections and disbursements of support payments for proper processing and accounting. In addition, the Office conducts other audits and examinations of program operations, as may be necessary or requested by program officials for the purpose of improving the efficiency, effectiveness, and economy of state, tribal, and local child support activities.

The Office develops consolidated reports for the Commissioner, based on findings, provides specifications for the development of audit regulations and requirements for audits of state programs, and coordinates and maintains effective liaison with the HHS Inspector General's Office and with the Government Accountability Office.

Office of the Deputy Commissioner (KFB): The Deputy Commissioner reports to the Deputy Director/Commissioner and assists the Commissioner in carrying out the responsibilities of OCSE. The Deputy Commissioner provides day-to-day supervision and oversight of the Division of Business and Resource Management, Division of Customer Communications, Division of Policy and Training, Division of Program Innovation, Division of Regional Operations, Division of Federal Systems, and Division of State and Tribal Systems. The Deputy Commissioner leads OCSE outreach efforts and builds collaborations with federal, state, tribal, local, and

community agencies to efficiently improve child support services.

The Office of the Deputy Commissioner provides coordination for all OCSE contracts and internal IT systems.

Division of Business and Resource Management (KFB2): The Division of Business and Resource Management (DBRM) is responsible for the overall management and operation of OCSE administrative services. The Division is headed by a Division Director who reports directly to the Deputy Commissioner. DBRM leads all efforts related to personnel and the formulation and execution of the discretionary budgets for OCSE program funds and federal administration funds. DBRM develops, implements, and manages all personnel activities; provides guidance on all labor and employee relations; coordinates performance management, employee engagement, and recognition; provides training and technical assistance on business administrative services; manages OCSE-controlled space, facilities, assets, and messenger services; and provides for health and safety. DBRM also serves as the funding authority for all OCSE acquisitions and grant opportunities, procures all goods and services, and coordinates all travel and conference management activities.

Division of Customer Communications (KFB3): A Division Director leads the Division of Customer Communications (DCC) and reports to the Deputy Commissioner. The Division has two branches. The *Customer Service* branch responds to requests for information on specific child support cases from custodial and noncustodial parents, the White House, members of Congress, Office of Inspector General, state agencies, reciprocating countries, and various interest groups. The *Program Communications* branch plans, designs, and executes public outreach and communications campaigns to convey information about the child support program and engage with child support stakeholders. The branch is responsible for providing guidance on strategies and approaches to improve public understanding of and access to OCSE programs and policies, developing and publishing informational materials on the OCSE website, and engaging with our stakeholders through social media. With these information channels, DCC serves as a focal point for consistent, clear, and accurate program communication.

Division of Policy and Training (KFB5): The Division of Policy and Training (DPT) proposes and implements national policy for the child support program and provides policy

guidance and interpretations to states and tribes in developing and operating their programs according to federal law. DPT is headed by a Division Director who directly reports to the Deputy Commissioner and is supported by the *Policy* Branch and the *Training* Branch. The *Policy* Branch develops legislative proposals and regulations to implement new legislation, court decisions, or directives from higher authority, and provides comments on pending legislative proposals. It develops new state plan preprint requirements and procedures for review and approval by the Division of Regional Operations. Additionally, the *Policy* Branch reviews the state plan submittals and prepares justifications for plan disapproval action. DPT coordinates with the Office of General Counsel on pending departmental appeals and collaborates with ACF on audit resolution. DPT also implements Central Authority activities for international support enforcement and functions as the U.S. Central Authority for international support enforcement. The *Training* Branch provides national direction and leadership for OCSE training activities to increase child support program effectiveness at federal, state, and tribal levels; coordinates child support program training activities; and provides logistical support for child support training events, meetings, and conferences.

Division of Program Innovation (KFB7): The Division of Program Innovation (DPI) develops, evaluates, and refines new strategies to improve child support program effectiveness and disseminates information about promising and evidence-based practice. The Division is headed by a Division Director who reports directly to the Deputy Commissioner. DPI manages research and demonstration projects, including Section 1115 grants and waivers and Special Improvement Project grants, and promotes program evaluation at the state and local levels. DPI also implements special projects of regional or national significance, pilots new child support approaches, and administers the Access and Visitation Grant Program.

The Division of Regional Operations (KFB8): The Division of Regional Operations (DRO) provides direct oversight of all child support Regional Program Unit operations, including ensuring customer-focused partnerships to child support programs and services and implementation of child support regional operations, policies, budgets, and program compliance of all 10 regions. This includes oversight of Regional Program Units providing

technical assistance and support to state and tribal child support agencies. The Division is headed by a Director, who reports directly to the Deputy Commissioner. DRO provides management and oversight of the Regions through coordinating activities between Central Office Divisions and the Regional Program Units. The Division provides information to improve public understanding of and across to OCSE programs and policies. The Division is responsible for providing oversight of all regional representation at conferences and meetings both within the child support community and other collaborative programs and partners. The Division is also responsible for the management, receipt, review, and analysis of public inquiries and the preparation of formal (both written and electronic) responses to external inquiries for child support program information and assistance in obtaining child support services.

Child Support Enforcement Regional Program Units (KFB8DI-X): Each OCSE Regional Program Unit is headed by the OCSE Regional Program Manager who reports to the Director of the Division of Regional Operations. The OCSE Regional Program Manager, through regional staff and in collaboration with program stakeholders, is responsible for (1) providing program and technical administration of the ACF entitlement and discretionary programs related to OCSE; (2) collaborating with the ACF central office, states, tribes, and other external programs and grantees on all significant program and policy matters; (3) providing technical assistance and training to entities responsible for administering OCSE programs to resolve identified problems; (4) ensuring that appropriate procedures and practices are adopted; (5) working with appropriate state, tribal, and local offices to develop innovative practices to support family self-sufficiency; and (6) monitoring the programs to ensure their efficiency and effectiveness, and ensuring that these entities conform to federal laws, regulations, policies, and procedures governing the programs.

Division of Federal Systems (KFB9): The Division of Federal Systems (DFS) is responsible for the design, development, deployment, maintenance, and implementation of FPLS. The Division is headed by a Division Director who directly reports to the Deputy Commissioner. FPLS is made up of a group of data sharing, collection, and program systems, such as the federal tax refund offset program, that helps OCSE support the core mission of the child support program and helps prevent improper payments

in state and federal benefit programs through NDNH data matching. DFS provides states with data to help them locate parents, establish fair and equitable child support obligations, process income withholding and payments, collect and enforce past-due child support, and communicate effectively and efficiently. DFS provides outreach, technical support, and training to child support agencies, employers, insurers, financial institutions, and other private and government partners to ensure that the FPLS systems are used to their maximum benefit.

DFS is responsible for automation of data and timeliness of transactions. Other responsibilities include, but are not limited to, oversight of collaborations with the Social Security Administration (SSA) on technical aspects of their use of OCSE's data and OCSE's use of SSA data center resources; conduct analyses and feasibility assessments; develop requirements; and design, develop, and implement system enhancements to increase efficiencies and support users of FPLS information. DFS also ensures that all IT projects are managed according to OMB/HHS/ACF standards for architecture, capital planning, security, and privacy, and fall within tolerances for acceptance.

Additionally, DFS provides guidance, analysis, technical assistance, and oversight to state and tribal child support programs regarding performance measurement; statistical, policy, and program analysis; synthesis and dissemination of data sets to inform the program; and application of emerging technologies, such as business intelligence and data analytics to improve and enhance the effectiveness of programs and service. DFS is also responsible for collection, compilation, analysis, and dissemination of state and tribal data to Congress and the general public. The Division also provides statistical and budgeting support in coordination with other divisions. DFS is responsible for promoting public access and understanding of data; managing academic/research projects; and providing support for researchers. DFS provides technical assistance to states in developing their self-assessment capabilities and implementing the annual reporting requirements contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Division of State and Tribal Systems (KFB10): The Division of State and Tribal Systems (DSTS) reviews, analyzes, and approves/disapproves state and tribal requests for Federal

Financial Participation for automated systems development and operations activities that support the child support program. DSTS is headed by a Division Director who directly reports to the Deputy Commissioner. DSTS provides assistance to states and tribes in developing or modifying automation plans to conform to federal requirements. DSTS monitors approved state and tribal systems development activities; certifies state-wide automated systems; and conducts periodic reviews to assure state and tribal compliance with regulatory requirements applicable to automated systems supported by Federal Financial Participation. DSTS provides guidance to states and tribes on functional requirements for these automated information systems, and works with federal, state, local, and tribal health and human services agencies to foster and promote interoperability and collaboration across the automated systems that support their programs. The Division promotes interstate and tribal transfer of existing automated systems and provides assistance and guidance to improve ACF's programs through the use of automated systems and technology. It provides development support and guidance to tribes on the installation, implementation, and maintenance of the Model Tribal System.

II. Continuation of Policy. Except as inconsistent with this reorganization, all statements of policy and interpretations with respect to organizational components affected by this notice within ACF, heretofore issued and in effect on this date of this reorganization are continued in full force and effect.

III. Delegation of Authority. All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

IV. Funds, Personnel, and Equipment. Transfer of organizations and functions affected by this reorganization shall be accompanied in each instance by direct and support funds, positions, personnel, records, equipment, supplies, and other resources.

This reorganization became effective upon completion of a Congressional notification period.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025–23471 Filed 12–18–25; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–P–1304]

Determination That EFFEXOR XR (Venlafaxine Hydrochloride) Extended-Release Capsule, 100 Milligrams, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that EFFEXOR XR (venlafaxine hydrochloride) extended-release capsule, 100 milligrams (mg), was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to this drug product, and it will allow FDA to continue to approve ANDAs that refer to the product as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT:

Stacy Kane, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 301–796–8363, Stacy.Kane@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the “Approved Drug Products With Therapeutic Equivalence Evaluations,” which is known generally as the “Orange Book.” Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or

ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

EFFEXOR XR (venlafaxine hydrochloride) extended-release capsule, 100 mg, is the subject of NDA 020699, held by Upjohn US, and initially approved on October 20, 1997. EFFEXOR XR is indicated in adults for the treatment of major depressive disorder, generalized anxiety disorder, social anxiety disorder and panic disorder. EFFEXOR XR (venlafaxine hydrochloride) extended-release capsule, 100 mg, is currently listed in the “Discontinued Drug Product List” section of the Orange Book.

SciRegs International, Inc., on behalf of Inventia Healthcare Limited, submitted a citizen petition dated May 16, 2025 (Docket No. FDA–2025–P–1304) under 21 CFR 10.30, requesting that the Agency determine whether EFFEXOR XR (venlafaxine hydrochloride) extended-release capsule, 100 mg, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that EFFEXOR XR (venlafaxine hydrochloride) extended-release capsule, 100 mg, was not

withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that EFFEXOR XR (venlafaxine hydrochloride) extended-release capsule, 100 mg, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of EFFEXOR XR (venlafaxine hydrochloride) extended-release capsule, 100 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list EFFEXOR XR (venlafaxine hydrochloride) extended-release capsule, 100 mg, in the “Discontinued Drug Product List” section of the Orange Book. The “Discontinued Drug Product List” delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Lowell M. Zeta,

Acting Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–23408 Filed 12–18–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2024–N–5603; FDA–2024–N–4731; FDA–2024–N–5468; FDA–2024–N–5234; FDA–2025–N–0123; FDA–2025–N–0383; FDA–2025–N–0338; FDA–2025–N–0183; FDA–2025–N–0349; FDA–2025–N–0082]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Amber Barrett, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet at <https://www.reginfo.gov/public/do/PRAMain>. 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
New Animal Drug and Veterinary Master Files	0910–0032	9/30/2028
Administrative Detention and Banned Medical Devices	0910–0114	9/30/2028
Food and Drug Administration's Adverse Event and Product Experience Reporting Program	0910–0291	9/30/2027
Notification Procedures for Statements of Dietary Supplements	0910–0331	9/30/2028
Substances Generally Recognized as Safe (GRAS): Notifications and Convening Panels	0910–0342	9/30/2028
Public Health Service Guideline on Infectious Disease Issues in Xenotransplantation	0910–0456	9/30/2028
Export Notification and Recordkeeping Requirements	0910–0482	9/30/2028
Establishing and Maintaining Lists of United States Establishments With Interest in Exporting Human Food Program-Regulated Products	0910–0509	9/30/2028
Foreign Supplier Verification Programs for Importers of Food for Humans and Animals	0910–0752	9/30/2028
Compounding Animal Drugs From Bulk Drug Substances	0910–0904	9/30/2028

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2025–23483 Filed 12–18–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–4683]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product; FORZINITY (Elamipretide)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that FORZINITY (elamipretide), approved September 19, 2025, manufactured by Stealth BioTherapeutics Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT:

Quyen Tran, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Room 5324, Silver Spring, MD 20993–0002, 301–796–2771, Quyen.Tran1@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined FORZINITY (elamipretide) manufactured by Stealth BioTherapeutics Inc., meets the criteria for a priority review voucher. FORZINITY (elamipretide) injection is indicated to improve muscle strength in adult and pediatric patients with Barth syndrome weighing at least 30 kg.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to <https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseases/Conditions/RarePediatricDiseasePriority>

[VoucherProgram/default.htm](https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseases/Conditions/RarePediatricDiseasePriority/VoucherProgram/default.htm). For further information about FORZINITY (elamipretide), go to the “Drugs@FDA” website at <https://www.accessdata.fda.gov/scripts/cder/daf/>.

Lowell M. Zeta,

Acting Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–23409 Filed 12–18–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–P–1562]

Determination That DEXCHLORPHENIRAMINE MALEATE (Dexchlorpheniramine Maleate, Oral Syrup, 2 Milligrams/5 Milliliters) Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) has determined that DEXCHLORPHENIRAMINE MALEATE (dexchlorpheniramine maleate, oral syrup, 2 milligrams (mg)/5 milliliters (ml)), was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to this drug product, and it will allow FDA to continue to approve ANDAs that refer to the product as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT:

Molly Arndt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6281, Silver Spring, MD 20993–0002, 240–402–6919, Molly.Arndt@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not

have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the “Approved Drug Products With Therapeutic Equivalence Evaluations,” which is known generally as the “Orange Book.” Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug’s NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug. DEXCHLORPHENIRAMINE MALEATE (dexchlorpheniramine maleate, oral syrup, 2 mg/5 ml), is the subject of ANDA 088251, held by PAI Holdings, LLC, and initially approved on March 23, 1984. DEXCHLORPHENIRAMINE MALEATE is indicated for

- Perennial and seasonal allergic rhinitis

- Vasomotor rhinitis
- Allergic conjunctivitis due to inhalant allergens and foods
- Mild, uncomplicated allergic skin manifestations of urticaria and angioedema
- Amelioration of allergic reactions to blood or plasma
- Dermographism
- As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled

On March 8, 2024, PAI Holdings, LLC, notified FDA that DEXCHLORPHENIRAMINE MALEATE (dexchlorpheniramine maleate, oral syrup, 2 mg/5 ml), was being discontinued, and FDA moved the drug product to the “Discontinued Drug Product List” section of the Orange Book.

Pharmobedient Consulting, LLC submitted a citizen petition dated June 4, 2025 (Docket No. FDA–2025–P–1562), under 21 CFR 10.30, requesting that the Agency determine whether DEXCHLORPHENIRAMINE MALEATE (dexchlorpheniramine maleate, oral

syrup, 2 mg/5 ml), was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that DEXCHLORPHENIRAMINE MALEATE (dexchlorpheniramine maleate, oral syrup, 2 mg/5 ml), was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that DEXCHLORPHENIRAMINE MALEATE (dexchlorpheniramine maleate, oral syrup, 2 mg/5 ml), was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of DEXCHLORPHENIRAMINE MALEATE (dexchlorpheniramine maleate, oral syrup, 2 mg/5 ml), from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list DEXCHLORPHENIRAMINE MALEATE (dexchlorpheniramine maleate, oral syrup, 2 mg/5 ml), in the “Discontinued Drug Product List” section of the Orange Book. The “Discontinued Drug Product List” delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Lowell M. Zeta,

Acting Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025-23419 Filed 12-18-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2023-D-5021]

Processes and Practices Applicable to Bioresearch Monitoring Inspections; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled “Processes and Practices Applicable to Bioresearch Monitoring Inspections.” This final guidance is being issued to comply with the Food and Drug Omnibus Reform Act of 2022, which directs the Agency to issue guidance describing the processes and practices applicable to inspections of sites and facilities inspected under FDA’s Bioresearch Monitoring inspection program, to the extent not specified in existing publicly available FDA guides and manuals. The guidance covers the following: the types of records and information required to be provided, best practices for communication between FDA and industry in advance of or during an inspection or request for records or other information, and other inspections-related conduct.

DATES: The announcement of this guidance is published in the **Federal Register** on December 18, 2025.

ADDRESSES: You may submit comments on any guidance 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-2023-D-5021 for “Processes and Practices Applicable to Bioresearch Monitoring Inspections.” 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.regulations.gov>.

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 the guidance to the Division of Inspectorate Policy, Office of Inspections and Investigations, Food and Drug Administration, Element Building, 12420 Parklawn Dr., Rockville, MD 20852. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by emailing the Office of Inspections and Investigations at OIIPolicyStaffs@fda.hhs.gov. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Darby Hull, Office of Inspections and Investigations, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Silver Spring, MD 20993-0002, Darby.Hull@fda.hhs.gov, 301-796-5949.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a final guidance for industry entitled "Processes and Practices Applicable to Bioresearch Monitoring Inspections." This finalizes the draft guidance entitled "Processes and Practices Applicable to Bioresearch Monitoring Inspections; Guidance for Industry," which was announced in the **Federal Register** on June 5, 2024 (89 FR 48170) (hereafter, the "draft guidance").

FDA is issuing this final guidance to comply with section 3612(b)(2) of the Food and Drug Omnibus Reform Act of 2022 (FDORA), enacted as part of the Consolidated Appropriations Act, 2023.

This provision of FDORA directs FDA to issue guidance describing the processes and practices applicable to inspections of certain sites and facilities, to the extent not specified in existing publicly available FDA guides and manuals for such inspections. These sites and facilities are inspected under FDA's Bioresearch Monitoring (BIMO) inspection program. Specifically, this guidance addresses the

following (to the extent not publicly available in FDA guides and manuals): the types of records and information required to be provided, best practices for communication between FDA and industry in advance of or during an inspection or request for records or other information, and other inspections-related conduct.

FDA's BIMO program is a comprehensive portfolio of programs designed to assess and monitor all aspects of the conduct and reporting of FDA-regulated research as well as certain postmarketing activities through on-site inspections, investigations, and Remote Regulatory Assessments. The BIMO program was established to assess the quality and integrity of data submitted to the Agency in support of regulatory decision-making, as well as to provide for protection of the rights, safety, and welfare of human and animal trial participants involved in FDA-regulated research. The program assesses compliance with statutory requirements and FDA's regulations governing the conduct of nonclinical and clinical studies, and applicable postmarketing activities.

FDA also is confirming that the following two guidances will be withdrawn upon publication of this guidance, as their substance is superseded by this final guidance and other guidances and related documents described in this final guidance: the 2010 "Information Sheet Guidance For IRBs, Clinical Investigators, and Sponsors: FDA Inspections of Clinical Investigators," and the 2006 "Information Sheet Guidance For IRBs, Clinical Investigators, and Sponsors: FDA Institutional Review Board Inspections."

FDA received 15 comments on the draft guidance. The comments primarily came from industry (including trade and professional associations). The comment period for the draft guidance ended on August 5, 2024. Commenters expressed interest in the Agency's current practices with respect to accessing electronic databases during an inspection, the logistics of the Agency's inspection pre-announcement notices and communications, and types of communication after an inspection.

This final guidance reflects consideration of the public comments on the draft guidance. Specifically, the final guidance, among other things, contains changes to: (1) clarify the Agency's practices for accessing and obtaining copies of electronic records; (2) provide additional details with respect to the Agency's inspection pre-announcement notices and communications; and (3) offer

additional information on post-inspection communications.

This final guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The final guidance represents the current thinking of FDA on "Processes and Practices Applicable to Bioresearch Monitoring Inspections." 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

This guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

III. Electronic Access

Persons with access to the internet may obtain the revised guidance at <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. 2025-23404 Filed 12-18-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2025-N-4682]

Notice of Approval of Product Under Voucher: Rare Pediatric Disease Priority Review Voucher; KEYTRUDA QLEX (pembrolizumab and berahyaluronidase alfa-pmpH)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of approval of a product redeeming a priority review voucher. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the issuance of priority review vouchers as well as the approval of products redeeming a priority review voucher. FDA has determined that KEYTRUDA QLEX (pembrolizumab and berahyaluronidase alfa-pmpH), approved September 19, 2025, meets the

criteria for redeeming a priority review voucher.

FOR FURTHER INFORMATION CONTACT:

Quyen Tran, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Room 5324, Silver Spring, MD 20993-0002, 301-796-2771, Quyen.Tran1@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA is announcing the approval of a product redeeming a rare pediatric disease priority review voucher. Under section 529 of the FD&C Act (21 U.S.C. 360ff), FDA will report the issuance of rare pediatric disease priority review vouchers and the approval of products for which a voucher was redeemed. FDA has determined that KEYTRUDA QLEX (pembrolizumab and berahyaluronidase alfa-pmph) meets the redemption criteria.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to <https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm>. For further information about KEYTRUDA QLEX (pembrolizumab and berahyaluronidase alfa-pmph), go to the “Drugs@FDA” website at <https://www.accessdata.fda.gov/scripts/cder/daf/>.

Lowell M. Zeta,

Acting Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025-23410 Filed 12-18-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2025-N-6076]

Agency Information Collection Activities; Proposed Collection; Comment Request; Required Warnings for Cigarette Packages and Advertisements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collection of information entitled, “Required Warnings for Cigarette Packages and Advertisements.”

DATES: Either electronic or written comments on the collection of information must be submitted by February 17, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 17, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

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-2025-N-6076 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Required Warnings for Cigarette Packages and Advertisements.” Received comments, those filed in a timely manner (see **ADDRESSES**), 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.

FOR FURTHER INFORMATION CONTACT: Amber Barrett, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “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 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 collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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,

when appropriate, and other forms of information technology.

Required Warnings for Cigarette Packages and Advertisements—21 CFR part 1141

OMB Control Number 0910–0877—Extension

This information collection supports Food and Drug Administration (FDA) regulations and guidance. Tobacco products are governed by chapter IX of the Federal Food, Drug, and Cosmetic Act (sections 900 through 920) (21 U.S.C. 387 through 21 U.S.C. 387t).

On March 18, 2020, FDA issued a final rule establishing new cigarette health warnings for cigarette packages and advertisements entitled “Tobacco Products; Required Warnings for Cigarette Packages and Advertisements” (85 FR 15638; <https://www.federalregister.gov/d/2020-05223>). The final rule implements a provision of the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Pub. L. 111–31) that requires FDA to issue regulations requiring color graphics depicting the negative health consequences of smoking to accompany new textual warning label statements. The Tobacco Control Act amended section 4 of the Federal Cigarette Labeling and Advertising Act of 1965 (FCLAA) (15 U.S.C. 1333) to require each cigarette package and advertisement to bear one of the new required warnings. The 2020 final rule specifies the 11 new textual warning label statements and accompanying color graphics.

Section 4(c) of the FCLAA and 21 CFR 1141.10(g) sets forth the specific marketing requirements relating to the random and equal display and distribution of required warnings on cigarette packaging and quarterly rotation of required warnings in alternating sequence in cigarette advertising and requires the submission

of plans outlining how the cigarette packaging and advertising will comply with such requirements. FDA must review and approve cigarette plans in advance of any person displaying or distributing cigarette packages or advertisements for products that are required to carry the required warnings, and a record of the FDA-approved plan must be established and maintained by the tobacco product manufacturer.

To implement these statutory requirements, cigarette plans will be reviewed by FDA upon submission by respondents. FDA published an updated guidance document in September 2024, entitled “Submission of Plans for Cigarette Packages and Cigarette Advertisements (Revised)” which describes cigarette plans information, format and submission (<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/submission-plans-cigarette-packages-and-cigarette-advertisements-revised>). Pursuant to section 201(b) of the Tobacco Control Act, FDA finalized the “Required Warnings for Cigarette Packages and Advertisements” rule with an effective date of June 18, 2021, 15 months after the date of publication.

Litigation is pending regarding the validity of the final rule. See *R.J. Reynolds Tobacco Co. et al. v. United States Food and Drug Administration et al.*, No. 6:20–cv–00176 (E.D. Tex.), 25–40137 (5th Cir.); and *Philip Morris USA Inc. et al. v. United States Food and Drug Administration et al.*, No. 2:24–cv–00143 (S.D. Ga.). FDA will provide updates regarding submission of cigarette plans as they are available. Visit FDA’s website <https://www.fda.gov/tobacco-products/labeling-and-warning-statements-tobacco-products/cigarette-labeling-and-health-warning-requirements> for updates.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

21 CFR part 1141 and activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (hours)	Total hours
Original Submission (Initial Plan)	17	1	17	150	2,550
Supplement	8	1	8	75	600
Total					3,150

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimates are based on FDA’s experience with information collections for other tobacco product plans (*i.e.*, smokeless and cigars,

consolidated under OMB control number 0910–0671) and 2023 Treasury Alcohol and Tobacco Tax and Trade Bureau (TTB) data.

FDA estimates up to 17 entities are affected annually. We estimate these 17 entities will submit initial plans, and it will take an average of 150 hours per

respondent to prepare and submit a plan for packaging and advertising for a total of 2,550 hours. We estimate that about half of respondents will submit a supplement each year. FDA estimates it will take respondents half the time per response to prepare and submit a supplement to an approved plan. We estimate receiving 8 supplements per year at 75 hours per response for a total of 600 hours. FDA estimates that the total annual hours for submitting initial plans and supplements will be 3,150.

Based on a review of the information collection since our last request for OMB approval, our reporting burden estimate has reduced from 11,100 to 3,150 hours annually.

Section 1141.10(g)(4) establishes that each tobacco product manufacturer required to randomly and equally display and distribute warnings on cigarette packages or quarterly rotate warnings in cigarette advertisements in accordance with an FDA-approved plan under section 4 of the FCLAA and 21

CFR part 1141 must maintain a copy of the FDA-approved plan (approved under § 1141.10(g)(3)). This copy of such FDA-approved plan must be available for inspection and copying by officers or employees of FDA. This subsection requires that the FDA-approved plan must be retained while in effect and for a period of not less than 4 years from the date it was last in effect.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN^{1 2}

21 CFR part 1141 and activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping (hours)	Total hours
Original Submission (Initial Plan) Records	51	1.5	77	3	231
Total					231

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

² Numbers are rounded to the nearest whole number.

FDA estimates that 51 recordkeepers will keep a total of about 76.5 (rounded to 77) records at 3 hours per record for a total of 231 hours. As stated previously, these estimates are based on FDA's experience with information collections for other tobacco product plans (*i.e.*, smokeless and cigars, consolidated under OMB control number 0910–0671). Based on our estimates for the submission of one-time, initial plans and supplements (*i.e.*, that all respondents will submit one-time, initial plans and about half of respondents will submit supplements to FDA-approved plans), we estimate that each recordkeeper will keep an average of 1.5 records.

FDA concludes that the required warnings for cigarette packages and cigarette advertisements in § 1141.10 are not subject to review by OMB because they do not constitute a “collection of information” under the PRA (44 U.S.C. 3501–3520). Rather, these labeling statements are a “public disclosure” of information originally supplied by the federal government to the recipient for the purpose of “disclosure to the public” (5 CFR 1320.3(c)(2)).

FDA estimates that the total burden for this information collection is 3,981 hours annually (3,150 hours for reporting + 231 hours for recordkeeping). We have adjusted our burden estimate, which has resulted in a decrease to the currently approved burden. Our estimated reporting burden for the information collection reflects an overall decrease of 76 annual respondents and a corresponding decrease of 7,386 annual hours. We

attribute this adjustment to a decrease in the number of submissions we received over the last few years.

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2025–23474 Filed 12–18–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection

Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Ryan White HIV/AIDS Program: Allocations Report Forms, OMB No. 0915–0318—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than February 17, 2026.

ADDRESSES: Submit your comments to paperwork@hrsa.gov or mail the HRSA Information Collection Clearance Officer, Room 13N82, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443–3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Ryan White HIV/AIDS Program: Allocations Reports, OMB No. 0915–0318—Revision.

Abstract: HRSA administers the Ryan White HIV/AIDS Program (RWHAP) authorized under Title XXVI of the Public Health Service Act. The RWHAP Allocations Reports allow HRSA to monitor and track the use of grant funds for compliance with statutory, program and grants requirements. To avoid duplication and reduce recipient reporting burden, HRSA created an electronic grantee contract management system (GCMS) that includes data required for the Allocations Reports. Recipients can access GCMS year-round to upload or manually enter data on their service provider contractors or subrecipients, the RWHAP core medical and support services provided, and their funding amounts. Data required for Allocations Reports are automatically prepopulated from GCMS.

Background Regarding Allocations and Expenditures Reports: Recipients funded under RWHAP Parts A, B, C, and D are required to report financial data to HRSA at the beginning (Allocations Report) and at the end (Expenditures Report) of their grant budget period. The Allocations Reports request information recipients already collect, including the use of RWHAP grant funds for core medical and support services; and on various program components, such as administration, planning and evaluation, and clinical quality management. Additionally, RWHAP Parts A and B recipients funded under the Ending the HIV Epidemic in the U.S. (EHE) initiative are also required to report allocations of the grant budget period in the EHE Allocations and Expenditure Reports. This allows HRSA

to track and report progress toward meeting the EHE goals.
For this submission, HRSA proposes to extend the following report forms in their current status:

- *RWHAP Part A Allocations Report*
- *RWHAP Part B Allocations Report*
- *RWHAP Part B Supplemental Allocations Report*
- *RWHAP Part C Allocations Report*
- *RWHAP Part D Allocations Report*
- *Ending the HIV Epidemic (EHE) Initiative Allocations Report*

Need and Proposed Use of the Information: Accurate allocation records of recipients receiving RWHAP and EHE funding are necessary for HRSA to fulfill its monitoring and oversight responsibilities.
Likely Respondents: RWHAP Part A, Part B, Part C, and Part D recipients.
Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain,

disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and use technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below. HRSA expects a small decline of 268 burden hours compared to the currently approved collection, due to RWHAP recipients' familiarity with the updated reporting requirements introduced in the currently approved collection.

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
Part A Allocations Report	52	1	52	2	104
Part B Allocations Report	54	1	54	6	324
Part B Supplemental Allocations Report	33	1	33	2	66
Part C Allocations Report	346	1	346	3	1,038
Part D Allocations Report	116	1	116	5	580
EHE Allocations Report	47	1	47	4	188
Total	648	.....	.....	.....	2,300

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,
Director, Executive Secretariat.
[FR Doc. 2025–23432 Filed 12–18–25; 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; Topics in Drug Development, Resistance, and Therapeutics.
Date: February 3, 2026.
Time: 9:00 a.m. to 6:30 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: Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities,

Room 3F40A, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5035, robert.unfer@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 16, 2025.
Rosalind M. Niamke,
Program Analyst, Office of Federal Advisory Committee Policy.
[FR Doc. 2025–23324 Filed 12–18–25; 8:45 am]
BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
National Institutes of Health
National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting
Pursuant to section 1009 of the Federal Advisory Committee Act, as

amended, notice is hereby given of a meeting of the National Deafness and Other Communication Disorders Advisory Council.

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.

The meeting identified below has been scheduled in the event the Council is unable to complete all agenda items identified for the January 22, 2026, meeting. Information on the agenda items and/or the necessity to hold the meeting listed below will be posted on the Institute/Center homepage (link identified below).

Name of Committee: National Deafness and Other Communication Disorders Advisory Council.

Date: March 23, 2026.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications not completed at the January meeting.

Address: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852.

Meeting Format: Virtual Meeting.

Contact Person: Rebecca Miller, Ph.D., Director, Division of Extramural Activities, NIDCD/NIH, 6001 Executive Boulevard, Bethesda, MD 20892, (301) 496-8693, rebecca.wagenaar-miller@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: <https://www.nidcd.nih.gov/about/advisory-council>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: December 16, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-23323 Filed 12-18-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council on Aging, January 28, 2026, 10:00 a.m. to January 29, 2026, 05:00 p.m., 5601 Fisher's Lane, Rockville, MD 20852 which was published in the **Federal Register** on November 19, 2025, 90 FR 52081.

Meeting changed from a two-day to a one-day meeting. New meeting date is set for January 27, 2026. The meeting is virtual, partially Closed to the public.

Dated: December 16, 2025.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-23320 Filed 12-18-25; 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 Advisory Committee on Research on Women's Health.

The meeting will be open to the public as a virtual meeting. 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 will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov/>).

Name of Committee: Advisory Committee on Research on Women's Health.

Date: April 7, 2026.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: ORWH Director's Report, NIH Inclusion Report, NHLBI's Director's Report, Opening Remarks from NIH Director, Keynote Presentation on ORWH's Role in Transforming Research Gaps into Breakthroughs, and a panel discussion to commemorate 35 years of ORWH's impact on women's health research.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Bethesda, MD 20892.

Contact Person: Lucia Hindorff, Ph.D., Health Science Administrator, Office on Research for Women's Health, Division of Program Coordination, Planning and

Strategic Initiatives, National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD 20892, 240-271-1509, lucia.hindorff@nih.gov.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 21 days in advance of the meetings. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their 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: <https://orwh.od.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 16, 2025.

Margaret Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-23321 Filed 12-18-25; 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 NIH Clinical Center Research Hospital Board.

This will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below. Individuals who plan to attend in-person or view the virtual meeting and need special assistance or other reasonable accommodations, 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: NIH Clinical Center Research Hospital Board.

Date: January 30, 2026.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: NIH and Clinical Center (CC) Leadership Announcements, CC Acting Chief Executive Officer (CEO) Update of Recent Activities and Organizational Priorities, and Other Business of the Clinical Center Research Hospital Board (CCRHB).

Address: National Institutes of Health, Building 31, Conference Room 6C02 A & B, 9000 Rockville Pike, Bethesda, MD 20892, (In-Person and Virtual).

Contact Persons: Patricia Piringer, RN, MSN (C), National Institutes of Health Clinical Center, 10 Center Drive, Bethesda, MD 20892, (301) 402-2435, (202) 460-7542 (direct), ppiringer@cc.nih.gov.

Natascha Pointer, Management Analyst, Executive Assistant to the CEO, Office of the Chief Executive Officer, National Institutes of Health Clinical Center, 10 Center Drive, Bethesda, MD 20892, (301) 496-4114, (301) 402-2434 (direct), npointer@cc.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person(s) 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. In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the CCRHB website: <https://www.ccrhb.od.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 16, 2025.

Margaret Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-23319 Filed 12-18-25; 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; Member Conflict: Bioengineering, Surgery, Anesthesiology, and Trauma.

Date: January 22, 2026.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Stephen A. Gallo, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC-9823, Rockville, MD 20852, (240) 669-2858, steve.gallo@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 16, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-23322 Filed 12-18-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6768; NPS-WASO-NAGPRA-NPS0041535; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Disposition: 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 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 20, 2026. If no claim for disposition is received by December 21, 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 Forest Supervisor Robert Trujillo, Tonto National Forest Supervisor's Office, 2324 E McDowell Road, Phoenix, AZ 85006, email robert.trujillo@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 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, 77 individuals have been reasonably identified. The 25 associated funerary objects are one partial Salado Red Corrugated jar, one lot of sherds comprising one Salado Red jar, one lot of burned Tonto Red sherds, one lot of decorated ceramic sherds, eight lots of plainware and redware ceramic sherds,

six lots of lithics and lithic debitage, one complete ground stone, five ground stone fragments, and a piece of marine shell. These human remains and associated funerary objects were recovered in spring and summer 2025 from 17 archaeological sites (AR-03-12-06-324, AR-03-12-06-332, AR-03-12-06-357, AR-03-12-06-430, AR-03-12-06-714, AR-03-12-06-741, AR-03-12-06-753/755, AR-03-12-06-763, AR-03-12-06-773, AR-03-12-06-779, AR-03-12-06-811, AR-03-12-06-1056/1057, AR-03-12-06-3280, AR-03-12-06-3281, AR-03-12-06-3347, AR-03-12-06-3361, and AR-03-12-06-3363) within the "Orange Peel Fuel Break" project area in Tonto Basin, Gila County, Arizona.

Determinations

The Tonto National Forest has determined that:

- The human remains described in this notice represent the physical remains of 77 individuals of Native American ancestry.
- The 25 objects or 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.
- 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 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 21, 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 that they have priority for disposition.

Disposition of the human remains and associated funerary objects in this notice may occur on or after January 20, 2026. If competing claims for disposition are

received, the Tonto National Forest must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the human remains and associated funerary objects are considered a single claim and not competing claims. The Tonto National Forest 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: December 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23341 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6792; NPS-WASO-NAGPRA-NPS0041561; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Missouri Historical Society, St. Louis, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Missouri Historical Society (MHS) located in St. Louis, MO 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Brady Wolf, Missouri Historical Society, 225 S Skinker Blvd., St. Louis, MO 63105, email bwolf@mohistory.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 MHS, 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 three lots of glass trade beads taken from a burial mound.

At an unknown time prior to 1958 an unknown person or persons disinterred three associated funerary objects from Mustang Mound (CA-YOL-13) in Yolo County, California. At an unknown time, these associated funerary objects were transferred to Dr. Max Goldstein of St. Louis, MO where they were stored and possibly displayed at his private museum within the Central Institute for the Deaf. Following the death of Dr. Goldstein, his estate transferred control of the associated funerary objects to the Missouri Historical Society in 1958.

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 associated funerary objects described in this notice.

Determinations

The MHS 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 United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and the Yoche Dehe Wintun Nation, 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 20, 2026. If competing requests for repatriation are received, the MHS 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 MHS 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23370 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6738; NPS–WASO–NAGPRA–NPS0041548; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Pennsylvania Western University–California, California, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Pennsylvania Western University–California (PennWest-Cal) 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Cassandra Kuba, Department of Biology, Earth and Environmental Sciences, Pennsylvania Western University, 250 University Avenue, Box #45, California, PA 15419, email kuba@pennwest.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 PennWest-Cal, 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 were removed from a pre-contact site on a slope north of Webster, overlooking the Monongahela River in southwestern Westmoreland County, Pennsylvania, in the early 1970s and released to the university at a later date. The 50 associated funerary objects are beads (bone and ceramic), removed from a mortuary feature associated with one of the individuals.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and associated funerary objects described in this notice.

Determinations

PennWest-Cal has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 50 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 Delaware Nation, Oklahoma; Delaware Tribe of Indians; Seneca Nation of Indians; Seneca-Cayuga Nation; The Osage Nation; and the Tonawanda Band of Seneca.

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 20, 2026. If competing requests for repatriation are received, PennWest-Cal 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 PennWest-Cal 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23351 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6815; NPS–WASO–NAGPRA–NPS0041635; PPWOCRADN0–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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Lauren Jakobsson, Princeton University Art Museum, 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, three individuals have been identified. No associated funerary objects are present. The human remains were removed from Sequim Bay, in Clallam County, Washington, by William Allen Butler Jr on August 11, 1876 while on a cruise in the Puget Sound with other Princeton Alumni. On December 10, 1876, one of the individuals was donated to the now-defunct Princeton Museum of Natural History. On an unknown date in the late 1800s or early 1900s, the other two individuals were transferred to the museum. The three individuals became part of the museum's vertebrate paleontology teaching collection. 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 clearly identified by the information available about 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 three individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Jamestown S'Klallam Tribe; Lower Elwha Tribal Community; and the Port Gamble S'Klallam Tribe.

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 20, 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23381 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6799; NPS-WASO-NAGPRA-NPS0041569; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Chico, Chico, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), California State University, Chico (Chico State) 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Michelle Hansen, Chico State, 400 West First Street, Chico, CA 95929, email mcampbell19@csuchico.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 Chico State, 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. The sole information known of these

remains is they are from Siskiyou County.

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

Chico State 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 and the Karuk Tribe.

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 20, 2026. If competing requests for repatriation are received, Chico State 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. Chico State 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23377 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6788; NPS-WASO-NAGPRA-NPS0041557; PPWOCRADN0-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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Megan Noble, NAGPRA Project Manager, University of California, Davis, 251 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 five cultural items or lots have been requested for repatriation. The objects of cultural patrimony are three baskets, one lot of 13 pieces of dentalium shell money, and one chert flake tool. The University is unaware of any specific treatment of the individual objects of cultural patrimony with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects. However, records located in the Department of Anthropology Museum indicate that approximately 1/3 of the Merriam collection had been treated with Berlout, a dry mothproofing substance used as an insecticide, in 1964. It is unknown which baskets were treated.

Two of the objects of cultural patrimony, CHM 705 and 706, were

purchased in Bucksport in Humboldt Bay, California on September 13, 1910. These two baskets were most likely made by Mrs. Jerry James (Wiyot). CHM 1501 includes 13 pieces of dentalium shell money pieces purchased on September 14, 1910, from a Humboldt Bay Soo-lah'-te-luk (Wiyot) woman who was also possibly Mrs. Jerry James. CHM 707 is a mortar basket that Merriam purchased in October 1921 in Humboldt Bay from an unknown Soo-lah'-te-luk (Wiyot) woman. UCDA-1106 is a chert flake tool, from the UC Davis Department of Anthropology teaching collection with very little provenience other than it was surface collected by Dr. Robert Bettinger in the 1960s to 70s in Fortuna, in Humboldt County, CA-HUM-15.

Determinations

UC Davis has determined that:

- The five 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 Wiyot Tribe, 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 20, 2026. If competing requests for repatriation are received, the 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. The 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23366 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6766; NPS-WASO-NAGPRA-NPS0041623; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Maidu Museum & Historic Site, Roseville, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Maidu Museum & Historic Site 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Alesha Martinez, Senior Museum Specialist, Maidu Museum & Historic Site, 1970 Johnson Ranch Drive, Roseville, CA 95661, email ammartinez@roseville.ca.us.

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 Maidu Museum & Historic Site, 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 reasonably identified from CA-PLA-142 in Placer County, CA. The two lots of associated funerary objects are one lot of modified stones and one lot of faunal material. The associated funerary objects were accessioned at the Maidu Museum & Historic Site under

Accession Numbers 2001.001 and 2001.003.

Associated funerary objects have been reasonably identified from multiple burial sites near the Maidu Museum & Historic Site, including the known sites CA-PLA-38, CA-PLA-85, and CA-PLA-87, as well as additional unidentified sites in the vicinity. The six lots of associated funerary objects are one lot of faunal material, one lot of modified stone, one lot of unmodified stone, one lot of plant material, one lot of shell, and one lot of historical material. The associated funerary objects were accessioned at the Maidu Museum & Historic Site under Accession Numbers 2000.000, 2000.001, 2001.000, 2001.001, 2001.012, 2002.000, and 2006.012.

The Maidu Museum & Historic Site does not have records of any known potentially hazardous substances used to treat any of the cultural items.

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 associated funerary objects described in this notice.

Determinations

The Maidu Museum & Historic Site has determined that:

- The eight 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 associated funerary objects described in this notice and the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California and the United Auburn Indian Community of the Auburn Rancheria of 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 20, 2026. If competing requests for repatriation are received, the Maidu Museum & Historic Site 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 Maidu Museum & Historic Site 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23360 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6810; NPS-WASO-NAGPRA-NPS0041644; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA) has completed an inventory of human remains and associated funerary objects from Carter, Claiborne, Greene, Hawkins, Sullivan, and Washington Counties, TN, 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email Phil.Hodge@tn.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 TDEC-DOA, 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, 40 individuals have been identified. The 22 associated funerary objects are 13 artifacts described below and nine lots of artifacts.

Site 40CR4, Carter County, TN

Human remains representing, at least, one individual. This material was donated to the Rocky Mount Historical Association and transferred to the TDOA for repatriation. No information is available regarding the circumstances surrounding the acquisition of these remains. There is no known exposure to hazardous substances or treatments.

Unknown Site, Claiborne County, TN

Human remains representing, at least, 14 individuals and one lot of associated funerary, unsorted artifacts. These ancestral remains and artifacts were donated to TDEC-DOA in October 2021 by Lincoln Memorial University. No further information is available regarding the circumstances surrounding the acquisition of these remains. There is no known exposure to hazardous substances or treatments.

Site 40GN2, Greene County, TN

Human remains representing, at least, one individual. No information is available regarding the circumstances surrounding the acquisition of these remains. There is no known exposure to hazardous substances or treatments.

Site 40GN6, Greene County, TN

Human remains representing, at least, five individuals. These remains were transferred to TDEC-DOA in 2019 by faculty from East Tennessee State University. No information is available regarding the circumstances surrounding their original acquisition. There is no known exposure to hazardous substances or treatments.

Site 40HW58, Hawkins County, TN

Human remains representing, at least, two individuals. These remains were transferred to TDEC-DOA from East Tennessee State University in 2008. No additional information is available

regarding the circumstances surrounding recovery. There is no known exposure to hazardous substances or treatments.

Unknown Site, Hawkins County, TN

Human remains representing, at least, one individual. These remains from the William L. Jenkins Forensic Center were transferred to the Division of Archaeology in April 2017. No information exists as to the circumstances surrounding their collection. There is no known exposure to hazardous substances or treatments.

Site 40SL9, Sullivan County, TN

Human remains representing, at least, two individuals and four associated funerary objects. AFOs include two radiocarbon samples and two lots of artifacts from mortuary feature fill (missing). Salvage excavations performed by TDEC–DOA archaeologists prior to development in 1983 resulted in the recovery of these remains. There is no known exposure to hazardous substances or treatments.

Site 40SL10, Sullivan County, TN

Human remains representing, at least, 12 individuals and 17 associated funerary objects. AFOs include two stone objects, one chert projectile point/knife, one unknown object; possibly noncultural/mud dobber nest fragment, one small ceramic discoidal, one burned, drilled canid tooth strung onto thread; one drilled slate gorget with two holes, one fragmented turkey tarsometatarsus, one deer antler tine pressure flaker, one burned bone bead, and one vial of red ochre fragments. Lotted AFOs are six lots of fauna, lithic, shell, and bone tools. Salvage excavations performed by TDEC–DOA archaeologists prior to development in 1983 resulted in the recovery of these remains. There is no known exposure to hazardous substances or treatments.

Unknown Site, Sullivan County, TN

Human remains representing, at least, one individual. These remains were transferred to TDEC–DOA from the Rocky Mount Museum, where they were originally donated on behalf of the Rocky Mount Historical Association. No additional information exists regarding the circumstances of collection. There is no known exposure to hazardous substances or treatments.

Site 40WG20, Washington County, TN

Human remains representing, at least, one individual. These remains were donated to TDEC–DOA by East Tennessee State University in 2014. No information exists as to the

circumstances surrounding their collection. There is no known exposure to hazardous substances or treatments.

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 TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of at least 40 individuals of Native American ancestry.
- The 22 artifacts 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 Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in 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 20, 2026. If competing requests for repatriation are received, the TDEC–DOA 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 TDEC–DOA 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23363 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6752; NPS–WASO–NAGPRA–NPS0041533; 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 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 20, 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 University of Florida–Florida Museum of Natural 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

Human remains representing, at least, two individuals have been identified from the Little Salt Springs (8SO18), in Sarasota County, Florida. The 14,604 associated funerary objects include

shell, faunal bone, and nine fragments of ceramic pottery. This site is a submerged, multi-component site from the Paleo-Indian and Archaic periods. Accession 4165 was presented by amateur archaeologists, Col. William Royal, November 3rd, 1959. Accession 2002–53 was found in a cabinet during skeletal reorganization during the summer of 2002. The Ancestor was labeled as “8UW72, WR–1959–061”. Jim Dunbar believed that this accession is associated with Goggin and Clausen 1959. Accession 2003–13 was loaned to Arizona State University (ASU). ASU transferred it back in 2003; it was part of a bulk transfer (including accessions 2003–12 and 14). All of these accessions had ties to the Florida Bureau of Archaeological research, but it was agreed to transfer the accessions to the Florida Museum of Natural History for curation.

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 University of Florida-Florida Museum of Natural History has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 14,604 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 20, 2026. If competing requests for repatriation are received, the University of Florida-Florida Museum of Natural 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 University of Florida-Florida Museum of Natural History 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: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23340 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6797; NPS–WASO–NAGPRA–NPS0041568; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: University of Illinois Urbana-Champaign, Champaign, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Illinois Urbana-Champaign 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Krystiana Krupa, University of Illinois Urbana-Champaign, 601 E. John Street, Champaign, IL 61820, email klkrupa@illinois.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 Illinois Urbana-Champaign, 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. This individual was excavated from a cave near Starved Rock on an unknown date by M.M. Latimer, who frequently excavated areas around Starved Rock in the 1950s. The University is not aware of any potentially hazardous substances being 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 or acquisition history of the human remains described in this notice.

Determinations

The University of Illinois Urbana-Champaign 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 Peoria Tribe of Indians of Oklahoma.

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 20, 2026. If competing requests for repatriation are received, the University of Illinois Urbana-Champaign 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

Illinois Urbana-Champaign 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23376 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6767; NPS-WASO-NAGPRA-
NPS0041530; PPWOCRADNO-
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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Jaquelin Padilla, Mississippi Department of Archives and History, Historic Preservation Division, 100 South State Street, P.O. Box 571, Jackson, MS 39205, email jpadilla@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 22DS511 (Dogwood Ridge) were listed in a Notice of Inventory Completion, published in the **Federal Register** on April 13, 2018 (FR 2018-07699). In 2021, human remains and associated funerary objects from 22DS500 (Walls), 22DS501 (Lake Cormorant), 22DS504 (Harris), 22DS509 (Edgefield), 22DS511 (Dogwood Ridge), 22DS514 (Cheatham), 22DS516 (Irby), 22DS517 (Woodlyn), 22DS519 (Shannon #2), 22DS526 (Migva), 22DS506 (McKay's Store), 22DS500/504 (Walls/Harris), and 22DS000/D1979.07.01 (Harris Property) were listed in a Notice of Inventory Completion, published in the **Federal Register** on January 22, 2021 (FR 2021-01340). The same year, human remains from 22DS501 (Lake Cormorant), 22DS512 (Shannon Mound), 22DS513 (Norfolk), and 22DS526/527 (22DS526/527) were listed in a Notice of Inventory Completion, published in the **Federal Register** on April 15, 2021 (FR 2021-07698). In 2022, human remains and associated funerary objects from 22DS500 (Walls), 22DS514 (Cheatham), and 22DS517 (Woodlyn) were listed in a Notice of Inventory Completion, published in the **Federal Register** on July 14, 2022 (FR 2022-15041). In 2023, human remains from MAGS Lot #26 (Old River Bank at Walls) and 22DS514 (Cheatham) were listed in a Notice of Inventory Completion, published in the **Federal Register** on March 29, 2023 (FR 2023-06475). These human remains and associated funerary objects were repatriated to The Chickasaw Nation. The current 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, two individuals have been identified from 22DS500 (Walls). The 10 lots of associated funerary objects consist of one lot ceramics, one lot faunal remains, one lot lithics, one lot organic materials, one lot clay, one lot matrix, one lot petrified wood, one lot discoidal, one lot shell, and one lot wood. Two collections were removed from the site by Memphis State University in 1966 and 1975. Another collection was removed from the site between 1990-1991 by Memphis State University staff and volunteers. All three collections were housed at the C.H. Nash Museum at Chucalissa until they were transferred to the DeSoto County Museum between 2012-2015. These collections were transferred from the DeSoto County Museum to MDAH in 2019. MDAH also

has a collection that was removed from the site by "Bradley," who was associated with the University of Mississippi, a collection from a Howard Mize, and a collection with an unknown history.

Human remains representing, at least, 15 individuals have been identified from 22DS501 (Lake Cormorant). The nine lots of associated funerary objects consist of one lot faunal remains, one lot lithics, one lot clay, one lot Native American ceramics, one lot organic materials, one lot ochre, one lot bead, one lot discoidal, and one lot shell. The human remains and objects were collected from the site on at least five occasions from 1963 through 1990 by the University of Memphis as surface collections, burial recovery, and through excavations. These collections were transferred to the DeSoto County Museum between 2013-2015 and then to the MDAH in 2019. There was also a 1999 surface collection from a Mary E. Starr and a collection with unknown history.

No human remains are present; the remaining objects associated with human remains from 22DS504 (Harris) previously listed in a Notice of Inventory Completion published in the **Federal Register** on January 22, 2021 (FR 2021-01340) have been identified. The six lots of associated funerary objects consist of one lot Native American ceramics, one lot lithics, one lot shell, one lot clay, one lot ochre, and one lot faunal remains. This site has collections removed from the surface in 1983 and 1991 by the University of Memphis. Some objects were also donated to the C.H. Nash Museum at Chucalissa by an H. Osborn in 1983. The collections were transferred from the C.H. Nash Museum at Chucalissa to the DeSoto County Museum between 2012-2015 and then to MDAH in 2019.

No human remains are present; the remaining objects associated with human remains from 22DS500/504 (Walls/Harris) previously listed in a Notice of Inventory Completion published in the **Federal Register** on January 22, 2021 (FR 2021-01340) have been identified. The five lots of associated funerary objects consist of one lot ceramics, one lot shell, one lot lithics, one lot clay, and one lot faunal remains. The C.H. Nash Museum at Chucalissa received a surface collection from Memphis State University. Some objects were also donated to the C.H. Nash Museum at Chucalissa by collector H. Osborn in 1983. The collections were transferred from the C.H. Nash Museum at Chucalissa to the DeSoto County Museum between 2012-2015 and then to MDAH in 2019.

No human remains are present; the remaining objects associated with human remains from 22DS506 (McKay's Store) previously listed in a Notice of Inventory Completion published in the **Federal Register** on January 22, 2021 (FR 2021–01340) have been identified. The five lots of associated funerary objects consist of one lot Native American ceramics, one lot lithics, one lot clay, one lot faunal remains, and one lot shell. Some of these objects were collected as a surface collection in 1972 by the University of Memphis and a 1950s surface collection was given to the C.H. Nash Museum at Chucalissa in 1984. Both collections were transferred to the DeSoto County Museum between 2013–2015 and then to MDAH in 2019.

Human remains representing, at least, one individual have been identified from 22DS509 (Edgefield). The three lots of associated funerary objects consist of one lot lithics, one lot Native American ceramics, and one lot clay. The human remains and some of the objects are associated with the 2013 Mississippi Mound Trail excavations. Additional objects were excavated by the University of Memphis in 1962. The collection saw a series of transfers from the C.H. Nash Museum at Chucalissa to the DeSoto County Museum between 2013–2015 and then to the MDAH in 2019.

Human remains representing, at least, one individual have been identified from 22DS511 (Dogwood Ridge). The 10 lots of associated funerary objects consist of one lot lithics, one lot shell, one lot Native American ceramics, one lot clay, one lot ochre, one lot organic materials, one lot faunal remains, one lot discoidal, one lot wood, and one lot petrified wood. MDAH has collections from multiple excavations and surveys at 22DS511 spanning over 20 years. A surface collection was removed by the University of Memphis as part of the Tennessee Archaeological survey in 1972. Another surface collection took place when they revisited the site in 1998–1999. There is also a collection from a 1977 burial salvage excavation conducted by the Mississippi Department of Archives and History.

No human remains are present; the remaining objects associated with human remains from 22DS512 (Shannon Mound) previously listed in a Notice of Inventory Completion published in the **Federal Register** on January 22, 2021 (FR 2021–01340) have been identified. The five lots of associated funerary objects consist of one lot faunal remains, one lot Native American ceramics, one lot clay, one lot lithics, and one lot shell. A collection was removed from the surface of the site

by Memphis State University in 1971 and transferred to the DeSoto County Museum in 2015 and then to MDAH in 2019.

Human remains representing, at least, one individual have been identified from 22DS513 (Norfolk). The six lots of associated funerary objects consist of one lot Native American ceramics, one lot petrified wood, one lot faunal remains, one lot lithics, one lot clay, and one lot organic materials. A collection removed from the surface of the site in 1989 by the University of Memphis. The collection was transferred from the DeSoto County Museum to MDAH in 2019.

Human remains representing, at least, 18 individuals have been identified from 22DS514 (Cheatham). The 12 lots of associated funerary objects consist of one lot clay, one lot effigy, one lot ceramics, one lot lithics, one lot faunal remains, one lot shell, one lot organic materials, one lot beads, one lot ochre, one lot wood, one lot earspool, and one lot discoidal. The human remains and objects were removed from the site by Memphis State University and C.H. Nash Museum at Chucalissa staff in 1971, 1972, 1991, and 1997. The Principal Investigator (PI) for the 1997 surface collection was Dr. David H. Dye. These collections were housed at the C.H. Nash Museum at Chucalissa and were then transferred to the DeSoto County Museum between 2013–2015. In 2019, the collection was transferred to MDAH.

Human remains representing, at least, nine individuals have been identified from 22DS516 (Irby). The 14 lots of associated funerary objects consist of one lot lithics, one lot clay, one lot faunal remains, one lot shell, one lot Native American ceramics, one lot organic materials, one lot discoidal, one lot petrified wood, one lot ochre, one lot finescreen, one lot effigy, one lot gorget, one lot samples, and one lot bead. The collection consists of human remains and objects removed from the site in 1966, 1967, and 1972 by staff from the Memphis State University and C.H. Nash Museum at Chucalissa as well as some objects removed prior to 1997, and some objects removed from the site at unknown point. These collections were all housed at the C.H. Nash Museum at Chucalissa until 2013–2015, when they were transferred to the DeSoto County Museum. In 2019, they were transferred to MDAH. Additional collections consisting of materials and human remains were removed from the site between 1989–1990 during a “Controlled Surface Collection” and some material removed from test excavations conducted in 1992 by M.E.

Starr and Memphis State University (Lee Foster). Lastly, there is an unprovenienced “DAP” survey collection.

Human remains representing, at least, 14 individuals have been identified from 22DS517 (Woodlyn). The 14 lots of associated funerary objects consist of one lot lithics, one lot ceramics, one lot organic materials, one lot faunal remains, one lot shell, one lot clay, one lot wood, one lot petrified wood, one lot finescreen, one lot matrix, one lot effigy, one lot ochre, one lot beads, and one lot discoidal. Surveys were conducted by Memphis State University in 1972 and 1978 (J. Guyer). At some point the collections were given to the C.H. Nash Museum at Chucalissa. A systematic surface collection in 1989 under the direction of Alfred L. Foster (Memphis State University) was conducted at the site and both objects and human remains were collected and given to the C.H. Nash Museum at Chucalissa. Objects and human remains were removed from the site during two University of Memphis led field school seasons that took place in 1997 and 1998. These collections were brought to the C.H. Nash Museum at Chucalissa. These collections, as well as a collection with an unknown history, were all transferred from the C.H. Nash Museum at Chucalissa to the DeSoto County Museum between 2013–2015. However, some of the artifacts from the 1997 field excavation were accidentally sent to the Arkansas Archaeological survey from the C.H. Nash Museum at Chucalissa. However, once identified as coming from 22DS517, they were transferred to the DeSoto County Museum in 2019, and so they were able to be included in the 2019 transfer of all these collections to MDAH.

No human remains are present; the remaining objects associated with human remains from 22DS519 (Shannon #2) previously listed in a Notice of Inventory Completion published in the **Federal Register** on January 22, 2021 (FR 2021–01340) have been identified. The two lots of associated funerary objects consist of one lot Native American ceramics and one lot lithics. A collection removed by Memphis State University in 1971 was transferred to the DeSoto County Museum between 2013–2015 and then transferred to MDAH in 2019. MDAH also has a collection from 1985 with an unknown history.

Human remains representing, at least, two individuals have been identified from 22DS526 (Migva/Clifton Mound). The four lots of associated funerary objects consist of one lot Native American ceramics, one lot lithics, one

lot faunal remains, and one lot clay. The site was excavated in 1973 and 1980 by the University of Memphis. These included a surface collection and an excavation from a mound at the site. These objects were transferred to the DeSoto County Museum between 2013–2015 from the C.H. Nash Museum at Chucalissa, and then to MDAH in 2019. Included in the transfer was a donation given to the C.H. Nash Museum at Chucalissa from the site with an unknown provenience.

Human remains representing, at least, one individual have been identified from 22DE526/527 (22DS526/527). The three lots of associated funerary objects consist of one lot lithics, one lot Native American ceramics, and one lot faunal remains. The human remains and objects from 22DE526/527 (22DS526/527) were collected by a Keith Rennick in 1973 either as an individual or with the University of Memphis.

Human remains representing, at least, one individual have been identified from 22DS630 (Sandpit). The five lots of associated funerary objects consist of one lot lithics, one lot Native American ceramics, one lot faunal remains, one lot clay, and one lot matrix. The site has a collection with an unknown history and an additional collection likely collected by Jay Mitchell.

Human remains representing, at least, one individual have been identified from 22DS711 (C–1150–1). The five lots of associated funerary objects consist of one lot faunal remains, one lot Native American ceramics, one lot lithics, one lot clay, and one lot shell. The collection has an unknown history.

No human remains are present; the remaining objects associated with human remains from 22DS00D, a site associated with 22DS500 (Walls), previously listed in a Notice of Inventory Completion published in the **Federal Register** on January 22, 2021 and on July 14, 2022 (FR 2021–01340 & FR 2022–15041) have been identified. The one lot of objects consist of lithics. This unprovenienced collection was from Howard Mize.

No human remains are present; the remaining objects associated with human remains from 22DS000/D1979.07.01 (Harris Property) previously listed in a Notice of Inventory Completion published in the **Federal Register** on January 22, 2021 (FR 2021–01340) have been identified. The four lots of associated funerary objects consist of one lot ceramics, one lot clay, one lot lithics, and one lot petrified wood. A collector, Lou White, donated a surface collection to the C.H. Nash Museum at Chucalissa in 1979. The C.H. Nash Museum at Chucalissa

also received a surface collection from Memphis State University. These collections were transferred from the C.H. Nash Museum at Chucalissa to the DeSoto County Museum between 2012–2015. The collections were then transferred from the DeSoto County Museum to MDAH in 2019.

No human remains are present; the remaining objects associated with human remains from MAGS Lot #26 (Old River Bank at Walls) in DeSoto County previously listed in a Notice of Inventory Completion published in the **Federal Register** on March 29, 2023 (FR 2023–06475) have been identified. The four lots of associated funerary objects consist of one lot ceramics, one lot lithics, one lot faunal remains, and one lot shell. This collection was transferred from the C.H. Nash Museum at Chucalissa to the DeSoto County Museum between 2012–2015. The collection was then transferred from the DeSoto County Museum to the MDAH in 2019.

Through Tribal consultation, these 66 individuals and 127 lots of associated funerary objects were identified as culturally affiliated with The Chickasaw Nation. To our knowledge, no potentially hazardous substances were 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 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 66 individuals of Native American ancestry.
- The 127 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 20, 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: December 16, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23388 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6778; NPS–WASO–NAGPRA–NPS0041543; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Tennessee, Department of Anthropology, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Knoxville, Department of Anthropology (UTK) 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email nagpra@utk.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 UTK, 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. This individual was removed from an unnamed archaeological site, (14LY304), located along the Verdigris River in Lyon County, eastern KS. 14LY304 was excavated in June of 1965 after Tom Witty, Kansas State Historical Society (KSHS) reported the Mound on the site was endangered by a flood control project and plans for dam construction in the Upper Verdigris Watershed area. Excavations were funded by the University of Kansas (KU) and field records note that the Mound was constructed from layers of limestone fragments and slabs. The 1965 excavations noted significant evidence of looting in the center of the Mound, and the only objects encountered were historic materials. The age of the 14LY304 site is currently not determined, likely due to extensive looting at the Mound. The human remains were examined by William Bass at the University of Kansas (KU) Museum of Natural History between 1965 and 1966. Bass likely retained this individual and brought them to UTK in 1971. To our knowledge, no hazardous substances were used to treat any of the remains.

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

UTK 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 Cheyenne and Arapaho Tribes, Oklahoma; Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Pawnee Nation of Oklahoma; Prairie Band Potawatomi Nation; and The Osage 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 20, 2026. If competing requests for repatriation are received, UTK 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. UTK 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: December 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23349 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6795; NPS-WASO-NAGPRA-NPS0041566; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: University of Michigan, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Michigan has completed an inventory of human remains

(hereinafter referred to as "Ancestral remains" or "Ancestors") and associated funerary objects and has determined that there is a cultural affiliation between the Ancestral remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the Ancestral remains and associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the Ancestral remains and associated funerary objects in this notice to Ben Secunda, University of Michigan, Office of Research, Suite G269, Lane Hall, Ann Arbor, MI 48109-1274, email bsecunda@umich.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 Michigan, 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

Ancestral remains representing, at least, two individuals have been identified. The one associated funerary object is one lot of unworked animal bone. The David Page site (20SL2) is located in Sanilac County, Michigan. In July of 1947, the Ancestors and object were removed by a property owner and donated to the University of Michigan Museum of Anthropological Archaeology (UMMAA) in August of 1947. The Ancestors are an adult 35-60 years male, and an adult 22-45 years female. Dating for the site is to the Woodland 850 BC-1400 AD based on burial treatment.

The University of Michigan has no record of, nor do its officials have any knowledge of, any treatment of the Ancestral remains and associated funerary objects with pesticides, preservatives, or other substances that represent a potential hazard to the collection(s) or to persons handling the collection(s).

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 Ancestral remains and associated funerary object described in this notice.

Determinations

The University of Michigan has determined that:

- The Ancestral remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual Ancestral remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the Ancestral remains and associated funerary objects described in this notice and the Saginaw Chippewa Indian Tribe of Michigan.

Requests for Repatriation

Written requests for repatriation of the Ancestral 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 Ancestral remains and associated funerary objects described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the University of Michigan must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the Ancestral remains and associated funerary objects are considered a single request and not competing requests. The University of Michigan 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23374 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6816; NPS-WASO-NAGPRA-NPS0041636; 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 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 20, 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

Human remains representing, at least, 31 individuals have been identified from the Taylor Mound, five miles east of White Cloud, Doniphan County, KS. Mark E. Zimmerman removed these ancestors from the mound in 1915 and donated them to the PMAE the same year. The four associated funerary objects are four lots consisting of ceramic items and faunal remains.

A total of three associated funerary objects are three lots consisting of ceramic and stone items from the Taylor Mound, five miles east of White Cloud, Doniphan County, KS. Mark E. Zimmerman and Edward L Parks Sterns

collected these cultural items as part of the PMAE Missouri Valley Expedition in 1915.

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 31 individuals of Native American ancestry.
- The seven 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 Pawnee 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 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 20, 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23382 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6769; NPS–WASO–NAGPRA–
NPS0041536; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Intended Repatriation: Museum of Riverside, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Museum of Riverside 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Robyn G. Peterson, Museum of Riverside, 3900 Main Street Riverside, CA 92552, email RPeterson@RiversideCA.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 Museum of 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 one cultural item has been requested for repatriation. The one unassociated funerary object is a string of shell beads. Necklace or shell money of black, brown, gray and seven white shell beads (average diameter 3 mm) on cotton string (straight length 180 cm). There is one triangular green bead (5 mm per side) and one large shell ring (length 1.7 cm; width 1.3 cm), which was broken and reattached with adhesive. Old card says there are 1,441 beads. One shell was broken and repaired. Portions of the necklace

appear to be burned. The object was removed by Mrs. John Ray Gabbert (Elizabeth Gordon Gabbert) from Victorville Dunes of San Bernardino County, California donated to the Museum of Riverside on August 24, 1971.

Determinations

The Museum of Riverside has determined that:

- The one unassociated funerary object described in this notice is 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 item 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 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 20, 2026. If competing requests for repatriation are received, the Museum of Riverside 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 Museum of 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: December 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23342 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6783; NPS–WASO–NAGPRA–
NPS0041552; 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 20, 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 University of Florida—Florida Museum of Natural 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

Safford Mound (8PI3) (Acc. 4515) is a burial mound from Pinellas County. Safford Mound was first identified in 1883, as a mound located on the east side of the most northern point of Eagle

Street (now Pinellas Ave), but the mound is no longer present. Sometime later, the Ancestors were taken to USF for identification, before eventually making their way to the University of Pennsylvania. The collection was transferred to FLMNH as part of a larger acquisition from the University Museum of the University of Pennsylvania in the mid-1970s. Human remains representing at least eight individuals have been identified. The 4,214 associated funerary objects include pottery fragments. The FLMNH does not have any record of hazardous treatments to these collections beyond building-wide Vikane fumigation practices in the past.

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 University of Florida—Florida Museum of Natural History has determined that:

- The human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- The 4,214 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 20, 2026. If competing requests for repatriation

are received, the University of Florida—Florida Museum of Natural 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 University of Florida—Florida Museum of Natural 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23355 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6665; NPS–WASO–NAGPRA–NPS0041570; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Office of the State Archaeologist, University of Iowa, Iowa City, IA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Office of the State Archaeologist Bioarchaeology Program (OSA BP) 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Lara Noldner, Office of the State Archaeologist Bioarchaeology Program, University of Iowa, 700 S Clinton Street, Iowa City, IA 52242, email lara-noldner@uiowa.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 OSA BP 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, seven individuals have been reasonably identified. No associated funerary objects are present. The human remains were transferred to the OSA BP in March of 2024 by Kansas State University professor, Mike Finnegan. The original burial location of the remains is unknown as Finnegan excavated throughout Iowa. The taphonomic conditions of the human remains do however suggest an original burial location in the Loess Hills of Western Iowa. Two partial crania represent two adult males and commingled remains represent a minimum of three adults, with two identified as males. The commingled remains also include a minimum of two juveniles, an 8-to-12 year old and a 12-to-15 year-old (BP3859). No hazardous substances have been used to treat the human remains.

Based on the information available, human remains representing, at least, one individual has been reasonably identified. No associated funerary objects are present. At an unknown time, a partial cranium was recovered on a sandbar from an unspecified river in western Iowa and brought to Mark Anderson at the Sanford Museum in Cherokee Iowa. Anderson transferred the remains to the OSA BP in December of 2024. The partial cranium represents an older adult male individual. The human remains have taphonomic evidence of long-term inundation in water; the original burial location is unknown (BP3922). No hazardous substances have been used to treat the human remains.

Based on the information available, human remains representing at least one individual have been reasonably identified. No associated funerary objects are present. In February 2025 a right ulna was identified during an inventory of the Paul Rowe collection, known to largely be from sites in western Iowa, and transferred to the OSA BP (BP3935). The partial right ulna is represented by the distal portion and the midshaft. A faint line at the distal epiphysis indicates fusion completed only recently and that the individual was a young adult. The original burial location is unknown but was likely in Mills County, Iowa as Paul Rowe collected and documented Native American sites throughout the county from the 1920s to the 1960s. No

hazardous substances have been used to treat the human remains.

Based on the information available, human remains representing at least one individual have been reasonably identified. No associated funerary objects are present. In July of 2024 kayakers identified the human remains on a sand bar in the East Nishnabotna River in Pottawattamie County, Iowa. The Pottawattamie County Sheriff's office first handled the investigation and sent the human remains to the Iowa State Medical Examiner's Office where they were determined not of medicolegal significance. The human remains were transferred to the OSA BP in February of 2025. A young to middle-aged adult female is represented by a partial cranium with evidence of long-term inundation and river transport. The original burial location is unknown as the human remains had been displaced by river erosion; the location in which they were found is documented as 13PW402 in the Iowa Site File (BP3936). No hazardous substances have been used to treat the human remains.

Based on the information available, human remains representing, at least one individual have been reasonably identified. No associated funerary objects are present. In August of 2024 human remains were discovered on a sandbar in the Little Sioux River in Woodbury County. After Woodbury County police sent the human remains to the Iowa State Medical Examiner (24-07558) they were determined to be of ancient context and transferred to the OSA in February 2025. Dark cortical coloration and taphonomic rounding of exposed sutures and broken surfaces indicates long term inundation and river transport. Site 13WD260 was assigned to the find spot; the individual's original burial location is unknown. An adult male is represented by a partial cranium (BP3937). No hazardous substances have been used to treat the human remains.

Based on the information available, human remains representing at least one individual have been reasonably identified. These human remains were displaced from an unknown location by river erosion on the Floyd River and discovered by a kayaker south of Merrill, IA. They were reported to and recovered by the Plymouth County Sheriff's Office in late August 2025. The human remains were transferred to the OSA September 25, 2025. Dark cortical coloration and taphonomic rounding of exposed sutures and broken surfaces indicates long term inundation and river transport. Site 13PM286 was assigned to the find spot. An adult

female is represented by a partial cranium (BP3992). No hazardous substances have been 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

The OSA BP has determined that:

- The human remains described in this notice represent the physical remains of 12 individuals of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Citizen Potawatomi Nation, Oklahoma; Flandreau Santee Sioux Tribe of South Dakota; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Lower Sioux Indian Community in the State of Minnesota; Miami Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

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

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 20, 2026. If competing requests for repatriation are received, the OSA BP 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 OSA BP 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23378 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6794; NPS-WASO-NAGPRA-NPS0041565; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Oregon Museum of Natural and Cultural History 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 the 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Pamela Endzweig, University of Oregon Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403-1224, email endzweig@uoregon.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 Oregon Museum of Natural and Cultural 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

Human remains representing, at least, 16 individuals have been identified. Skeletal analyses indicate that the generally fragmentary remains include seven adult males, three adult females, one young adult female, two adults of indeterminate sex, one adolescent female, one child, and one infant. No known individuals were identified. The 23 associated funerary objects include 18 pine nut beads, and five worked antler artifacts. An additional stone projectile point tip is embedded in the sternum of one individual. Although more burial-associated objects were collected by the donor, only part of his collection was donated to the Museum.

The human remains and artifacts were removed in the early 1940s by W.T. Edmundson and William Laughlin from Khustenate, also known as 35CU157, an Athabaskan village and burial site in Curry County, OR, formerly on private land and now within current Samuel H. Boardman State Park. They were donated by Edmundsen, a private individual, and accessioned in 1947. Laughlin was that time a professor at the University of Oregon. Upon leaving the University in 1955, Laughlin removed some Khustenate remains to subsequent institutions he was employed at, resulting in the dispersal of the collection.

The village at Khustenate was reported in 1874 by Paul Schumacher, who observed housepits, a cemetery, and an extensive midden. Subsequent radiocarbon dating of shell samples from the repositied midden yielded dates of 450±70 RYBP and 320±60 RYBP. The assemblage and presence of Euroamerican trade items confirms that the site was used in Late Prehistoric and Early Historic times. Historical Documents, ethnographic sources, oral history, and Native American traditional knowledge indicate that the Tututni people have occupied this area of the southern Oregon coast since pre-contact times.

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 Oregon Museum of Natural and Cultural History has determined that:

- The human remains described in this notice represent the physical remains of at least 16 individuals of Native American ancestry.
- The 23 objects described in this notice are reasonably believed to have been placed 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 funerary objects described in this notice and the Confederated Tribes of Siletz Indians of Oregon; Confederated Tribes of the Grande Ronde Community of Oregon; Coquille Indian Tribe; Elk Valley Rancheria, California; and the Tolowa Dee-ni' Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and 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 funerary objects described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the University of Oregon Museum of Natural and Cultural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and funerary objects are considered a single request and not competing requests. The University of Oregon Museum of Natural and Cultural 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23373 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6796; NPS–WASO–NAGPRA–NPS0041567; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Michigan State Historic Preservation Office, Lansing, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Michigan State Historic Preservation Office (SHPO) 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Sarah Surface-Evans, State Historic Preservation Office, Michigan Economic Development Corporation, 300 N Washington Square, Lansing, MI 48913, email SurfaceEvansS1@michigan.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 SHPO, 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, three associated funerary objects were removed from the Fourteen Mile Point site (20ON84) in Ontonagon County, Michigan. The associated funerary objects were inadvertently discovered along with Ancestral human remains at the site in 1983; the Ancestral remains were transferred to the Keweenaw Bay

Indian Community Tribal Police in 1985. The site is dated to the Post-Contact Period A.D. 1800–1830 based on diagnostic artefacts at the site. The three associated funerary objects are one lot iron axe head, one lot glass beads, and one lot ferrous knife fragment.

The SHPO has no record of, nor do its officials have any knowledge of, any treatment of the items with pesticides, preservatives, or other substances that represent a potential hazard to the collection(s) or to persons handling the collection(s).

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 associated funerary objects described in this notice.

Determinations

The SHPO has determined that:

- The three objects described in this notice are reasonably believed to have been placed intentionally with or near individual Ancestral human remains at the time of death or later as part of the death rite or ceremony.

- There is a reasonable connection between the associated funerary objects described in this notice and the Keweenaw Bay Indian Community, Michigan and the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan.

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 a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary objects in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the SHPO 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 SHPO 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23375 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6773; NPS–WASO–NAGPRA–NPS0041540; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and Northern Arizona University, Flagstaff, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), U.S. Department of the Interior, Bureau of Indian Affairs, and Northern Arizona University have 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Tamara Billie, U.S. Department of the Interior, Bureau of Indian Affairs, 1001 Indian School Road NW, Mailbox 44, Albuquerque, NM 87104, email tamara.billie@bia.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 Bureau of Indian Affairs, 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 29 individuals have been identified. The 30 associated funerary objects are pottery sherds, pottery vessels, lithics, faunal bone, and a fragment of fur blanket. These individuals and objects from Navajo Tribal Trust lands in Arizona, New Mexico, and Utah came into the custody of Northern Arizona University's Department of Anthropology as follows: three individuals and associated funerary objects (fragments of fur blanket, human hair, vegetal materials) and potentially associated funerary objects (Tusayan Black-on-white jar sherds) excavated by J. Richard Ambler in 1970 at Dust Devil Cave, NA7613, near Navajo Mountain, Utah; fragments of one individual removed from surface context in Chindii Cave (UT V–13–8[NAU]) near Navajo Mountain by J. Richard Ambler in 1970. No project report has been located. BIA transferred the following to NAU custody in 2019: fragments of 10 individuals from University of Connecticut excavations by Lee Correll in 1970 in Monument Valley, Utah. BIA transferred the following from custody of New Mexico State University to Northern Arizona University in 2018: fragments of one or two individuals with a few canid bones that may be associated—records are unclear—the human bones were excavated by New Mexico State University at AZE 8–10 (NMSU) near Cove, Arizona, in 1979 in the course of a waterline project, or from a highway salvage project at site NA8800 near Chilchinbito in 1977 and given to NMSU in 1980; eight individuals and 24 funerary objects (a Puerco Black-on-white jar fragment, a miniature Gallup Black-on-white pitcher, four deer bones, 17 unidentified faunal bone fragments, and a shell bead necklace) recovered near McKinley Mine from sites NL86, NL141, NL91, and NL250 sometime between 1977 and 1979 under a BIA contract; four to eight individuals and 17 funerary objects (a small Cibola indented corrugated jar, the base of a Puerco Black-on-white duck-shaped jar, two hammer stones, eight lithic flakes, one lithic core, a set of 65 shell beads, three faunal bones) recovered near Pinedale, McKinley County, New Mexico between 1977 and 1979 on the N11 road excavation under a BIA contract. Fragments of two individuals were gathered from an NAU field school excavation in 1978 at AZ K–8–1 (NAU), St Michaels Pueblo near St Michaels, Arizona, on land belonging to the Sisters of the Blessed Sacrament, surrounded by Navajo Tribal Trust lands.

There is no evidence or record of the presence of any potentially hazardous substances used to treat any of the human remains or associated funerary objects. Glue was used on some items, and labels were applied with ink to some items.

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 Bureau of Indian Affairs has determined that:

- The human remains described in this notice represent the physical remains of at least 29 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 connection between the human remains and associated funerary objects described in this notice and the Navajo Nation, Arizona New Mexico, & Utah.

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 20, 2026. If competing requests for repatriation are received, the Bureau of Indian Affairs 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 Bureau of Indian Affairs 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: December 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23346 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6812; NPS–WASO–NAGPRA–NPS0041633; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: California State University, Stanislaus, Turlock, 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, Stanislaus 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jake Malsbury, California State University, Stanislaus, One University Circle, Turlock, CA 95382, email jmalsbury@csustan.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, Stanislaus, 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 three cultural items have been requested for repatriation. The three objects of cultural patrimony include obsidian hydration slides. The cultural items were removed from the site CA–YUB–1609/H in Yuba County, CA. The items were removed in 1998 by

Lewis K. Napton with the California State University, Stanislaus, Institute for Archaeological Research and are currently held at the California State University, Sonoma. Both the California State University, Stanislaus and the California State University, Sonoma continue to search for any additional materials from this site.

Determinations

The California State University, Stanislaus has determined that:

- 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 United Auburn Indian Community of the Auburn Rancheria of California 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 20, 2026. If competing requests for repatriation are received, the California State University, Stanislaus 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, Stanislaus 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23379 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6772; NPS–WASO–NAGPRA–
NPS0041539; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Intended Repatriation: Alabama Department of Archives and History, Montgomery, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Alabama Department of Archives and History 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to John Robert Elmore, III, Alabama Department of Archives and History, 624 Washington Avenue, Montgomery, AL 36104, email nagpra.adah@archives.alabama.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 Alabama Department of Archives and History, 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 number of 14 cultural items have been requested for repatriation. The 14 unassociated funerary objects are 13 brass buttons and one brass bracelet. The objects were removed from Neshoba County, Mississippi, and then donated to the Alabama Department of Archives and History in 1909. Consultation determined that culturally affiliated Indian tribes include Mississippi Band of Choctaw Indians and The Choctaw Nation of Oklahoma. The Alabama Department of Archives and History has

no information about the unassociated funerary objects being treated with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects.

Determinations

The Alabama Department of Archives and History 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 reasonable connection between the cultural items described in this notice and the Mississippi Band of Choctaw Indians and The Choctaw Nation of 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 20, 2026. If competing requests for repatriation are received, the Alabama Department of Archives and History 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 Alabama 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 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: December 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23345 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6791; NPS–WASO–NAGPRA–
NPS0041560; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Intended Repatriation: The Children's Museum of Indianapolis, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The Children's Museum of Indianapolis intends to repatriate a certain cultural item that meets the definition of a sacred object/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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Jennifer Noffze, The Children's Museum of Indianapolis, 3000 N Meridian Street, Indianapolis, IN 46208, email jenn@childrensmuseum.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 Children's Museum of Indianapolis, 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 sacred object/object of cultural patrimony is a mahi'ole (feather helmet). The mahi'ole was donated to The Children's Museum of Indianapolis by Butler University in 1964. The crescent-shaped mahi'ole is woven from natural fibers with traces of red feather

ornamentation. The mahi'ole was used in ceremonies, rituals, formal events, and worn in battles to embody mana (cultural, spiritual, religious power) and mo'okū'auhau (genealogy) that support a ruling chief's ability to project his authority. Its physical presence holds symbolic, sacred, and ritual significance as expressed in its appearance and design at times made of feathers removed from the mahi'ole of a defeated chief taken in battle.

Determinations

The Children's Museum of Indianapolis has determined that:

- The one sacred object/object of cultural patrimony described in this notice is, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and 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). This mahi'ole is needed by a traditional religious leader for present-day adherents to renew the traditional Native Hawaiian religious ceremony of 'ike pāpālua, which involves spiritual communication with their ancestors.
- There is a connection between the cultural item described in this notice and the Edith Kanaka'ole Foundation and Hui Iwi Kuamo'o.

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 20, 2026. If competing requests for repatriation are received, The Children's Museum of Indianapolis 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 Children's Museum of Indianapolis 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23369 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6798; NPS–WASO–NAGPRA–NPS0041562; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Missouri Historical Society, St. Louis, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Missouri Historical Society (MHS) located in St. Louis, MO 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Brady Wolf, Missouri Historical Society, 225 S. Skinker Blvd., St. Louis, MO 63105, email bwolf@mohistory.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 MHS, 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 two associated funerary objects are: one lot of stone beads, and one unworked crystal. At an unknown time prior to 1958 an unknown person or persons disinterred the two associated funerary objects from CA–SAC–16. At

an unknown time, these Ancestors and associated funerary objects were transferred to Dr. Max Goldstein of St. Louis, MO where they were stored and possibly displayed at his private museum within the Central Institute for the Deaf. Following the death of Dr. Goldstein, his estate transferred control of the Ancestors and associated funerary objects to the Missouri Historical Society in 1958.

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 associated funerary objects described in this notice.

Determinations

The MHS has determined that:

- 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 associated funerary objects described in this notice and the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Ione Band of Miwok Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), 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 20, 2026. If competing requests for repatriation are received, the MHS 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 MHS 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23371 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6807; NPS–WASO–NAGPRA–NPS0041643; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) intends to repatriate certain cultural items from Hamilton County, TN, 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email Phil.Hodge@tn.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 TDEC–DOA, 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 and two lots of artifacts from Hamilton County, Tennessee have been requested for repatriation.

Site 40HA52, Hamilton County, TN: One lot of faunal remains identified on the box label as originally being from mortuary contexts. These materials were donated to TDEC–DOA in 2022 by archaeology faculty from Sewanee, the University of the South. No information exists as to the circumstances of original collection. There is no known exposure to hazardous substances or treatments.

Site 40HA407, Hamilton County, TN: One lot of material including ochre and lithics. These materials were excavated by a consultant in August 1995 according to a cemetery removal petition to the Hamilton County Chancery Court. All skeletal materials from the project were transferred to the “Ghost Children of Heart Nations, Inc.” for reburial in April 1998. There is no information on how these specific materials entered or remained in TDEC–DOA collections. There is no known exposure to hazardous substances or treatments.

Unknown site, Hamilton County, TN: One ceramic vessel. The vessel was donated to TDEC–DOA in 1997. No additional information is available as to site location. There is no known exposure to hazardous substances or treatments.

Determinations

The TDEC–DOA has determined that:

- The three unassociated funerary objects described in this notice is 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 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 reasonable connection between the cultural items described in this notice and the Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; Poarch Band of Creek Indians; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; 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 20, 2026. If competing requests for repatriation are received, the TDEC–DOA 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 TDEC–DOA 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23385 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6734; NPS–WASO–NAGPRA–NPS0041638; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Augustana University, Sioux Falls, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Augustana 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Gina Palefsky, Augustana University, Archaeology Laboratory, 2001 S Summit Avenue, Sioux Falls, SD 57105, email gina.palefsky@augie.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 Augustana 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 two individuals and their associated funerary objects have been identified. The one lot of associated funerary objects consists of lithics, faunal bone, and ceremonial items with a sacred purpose. The human remains and associated funerary objects were removed from Minnehaha County, South Dakota. No hazardous chemicals are known to have been used to treat the human remains or associated funerary objects while at Augustana University.

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 and associated funerary objects described in this notice.

Determinations

Augustana University has determined that:

- The human remains described in this notice represent the physical remains of at least two individuals of Native American ancestry.
- The one lot 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 Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

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 20, 2026. If competing requests for repatriation are received, Augustana 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. Augustana 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23384 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6817; NPS-WASO-NAGPRA-NPS0041639; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: California Department of Transportation, Oakland, 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) 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Lindsay Busse and Althea Asaro, California Department of Transportation, District 4, 111 Grand Avenue, Oakland, CA 94612, email lindsay.busse@dot.ca.gov and Althea.Asaro@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

Associated funerary objects have been identified totaling 5,324 catalog entries representing lithics, faunal remains, shell, beads, and ground stone artifacts. Of the 5,324 associated funerary objects, 294 catalog numbers are missing. These 19 collections are from Sonoma County along State Routes 12 and 116 and are housed at Sonoma State University (SSU). The collections are the result of Caltrans project-delivery related excavations at the following sites between 1978 and 2022: CA-SON-25/H (92-004, 92-041), CA-SON-26 (92-004, 92-0421), CA-SON-120 (86-14), CA-SON-159 (93-38), CA-SON-921 (93-36; 78-04), CA-SON-957 (2022-005), CA-SON-1107 (78-04, 80-05), CA-SON-1532 (87-15), CA-SON-1695 (93-37), CA-SON-1697 (90-79), CA-SON-1698 (90-78), CA-SON-1757 (90-80), CA-SON-1921/H (92-002), CA-SON-1940 (92-004, 92-043), CA-SON-1941/H (92-004, 92-044), CA-SON-2103 (93-41), and CA-SON-2102 (93-40). There are no known/documented potentially hazardous substances used to treat any of the cultural items.

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

Caltrans has determined that:

- The 5,324 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 associated funerary objects described in

this notice and the Federated Indians of Graton 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 20, 2026. If competing requests for repatriation are received, Caltrans 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. Caltrans 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23359 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6818; NPS–WASO–NAGPRA–NPS0041637; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of California, Berkeley, Berkeley, 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, Berkeley 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Alexandra Lucas, Government and Community Relations, Office of the Chancellor, University of California, Berkeley, 200 California Hall, Berkeley, CA 94720, email nagpra-ucb@berkeley.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, Berkeley, 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 51 lots of cultural items in the Phoebe A. Hearst Museum of Anthropology (Museum) at the University of California, Berkeley have been requested for repatriation.

In 1907, with the financial sponsorship of Phoebe A. Hearst, Alfred L. Kroeber acquired 49 lots of objects of cultural patrimony from Morongo Reservation, Riverside County, California toward the establishment of the Museum. The objects of cultural patrimony include bows, arrows, baskets, vessels, seed beaters, carrying nets, bone tools, and stone tools.

In 1927, Horatio Shumway Lee donated one object of cultural patrimony, a basket, to the Museum. Museum records note the basket as having been collected by Sarah E. Gilman, a teacher from the U.S. Indian Day School, Potrero, on Morongo Band of Mission Indians' reservation.

In 1965, the Heintz family donated one object of cultural patrimony to the Museum. The object of cultural patrimony is a basket with a tag indicating it was made in Morongo.

Collections and collection spaces at the Phoebe A Hearst Museum of Anthropology were treated with substances for preservation and pest control, some potentially hazardous. No records have been found to date at the Museum to indicate whether or not chemicals or natural substances were used prior to 1960.

Determinations

The University of California, Berkeley has determined that:

- The 51 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 reasonable connection between the cultural items described in this notice and the Morongo 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 20, 2026. If competing requests for repatriation are received, the University of California, Berkeley 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, Berkeley 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23383 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6784; NPS–WASO–NAGPRA–NPS0041553; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of Agriculture, Forest Service, San Juan; National Forest, Durango, CO

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, San Juan National Forest 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 20, 2026. If no claim for disposition is received by December 21, 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 Michelle Stevens, U.S. Forest Service, San Juan National Forest, 15 Burnett Court, Durango, CO 81301, email michelle.stevens@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 Forest Service, and additional information on the human remains 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, one individual has been reasonably identified. No associated funerary objects are present.

On September 6, 2025, human remains representing one individual were recovered from Forest Service site 02130203976/5MT5308. This site is within National Register of Historic Places Archaeological District 5MT6599. The human remains were discovered and brought to local authorities by a visitor when found eroding from the shorelines of McPhee Reservoir on the Dolores Ranger District, San Juan National Forest, Montezuma County, CO. Local authorities notified the Forest Service. On September 26, 2025, Forest Service archaeologists visited the site; no evidence of the original burial, additional bone fragments, or vandalism were found.

Site 02130203976/5MT5308 consists of two artifact concentrations with flaked stone and a pottery sherd. No temporally diagnostic artifacts are present. Based on archaeological context

and geographic location, the site was occupied by Native Americans between the Basketmaker III and post-Puebloan periods, A.D. 500–1840.

Determinations

The Forest Service has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- Based on archaeological context and geographic location the Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico, & Utah; Ohkay Owingeh, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Santo Domingo Pueblo; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Ute Tribe; and the Zuni Tribe of the Zuni Reservation, New Mexico have priority for disposition of the human remains described in this notice.

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 21, 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 20, 2026. If competing claims for disposition are received, the Forest Service 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. The Forest Service 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23356 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6821; NPS–WASO–NAGPRA–NPS0041642; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, National Park Service, Yosemite National Park, Yosemite, CA

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, Yosemite National Park (YOSE) 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 20, 2026. If no claim for disposition is received by December 21, 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 Raymond McPadden, Superintendent, Yosemite National Park, 9039 Village Drive, Yosemite National Park, CA 95389, email yose_indian_liaison@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 Superintendent, YOSE 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, one individual have been reasonably identified. The individual was discovered on March 31, 1995, by an archaeological monitor along the cutbank of the road between Rancheria Court and the water tank, close to a rock shelter site at CA-MRP-382. The human remains were then accessioned into the Yosemite National Park collections (YOSE-6108). No associated funerary objects are present.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The individual was discovered on June 24, 1997, by a camper within Yosemite National Park at Housekeeping camp. The individual later found in the park collections with a note detailing the information above but was never accessioned into the collections. No associated funerary objects are present.

In April 2014, human remains and associated funerary objects were removed from the Yosemite Village Site Complex (CA-MRP-056/H), during a subsurface survey (2014E). The intent of the survey was to further identify and characterize the area of potential effect for the rehabilitation of two buildings that comprise the Yosemite Valley Emergency Services Complex. Based on the information available, human remains representing, at least, 10 individuals have been reasonably identified. The 63 associated funerary objects are three lots light bulb fragments, three sherds of glass fragments, four lots of glass fragments, two lots of mixed metal, two wire nail fragments, seven lots of wire nail fragments, one lot of burned milled wood, one slightly charred milled wood fragment, two lots of milled wood, one electrical fuse, two lots of ceramic sewer pipe fragments, one whiteware ceramic sherd, one lot of obsidian and chert debitage, one lot of obsidian and volcanic debitage, 24 lots of obsidian debitage, three edge-modified obsidian fragments, one obsidian discoidal edge-modified fragment, one projectile point fragment, one granite manuport, one lot of obsidian biface fragments, and one rodent bone.

In January 2016, human remains and associated funerary objects were removed from the Yosemite Village Site Complex (CA-MRP-056/H), during a subsurface survey (2015E). The intent of the survey was to resolve an adverse effect to the site from rehabilitation of

the Yosemite Valley Emergency Services Complex. Based on the information available, human remains representing, at least, 36 individuals have been reasonably identified. The 186 associated funerary objects are three glass pieces, one shell button fragment, four obsidian tinklers, one obsidian perforator, one granite manuport, one obsidian drill, two granite handstones, eight steatite vessel fragments, one granite cobble tool, three obsidian edge-modified pieces (oval scrapers), 42 obsidian edge-modified pieces, one lot of obsidian edge-modified piece fragments, three rose spring contracting stem projectile points, four rose spring corner notched points, one elko corner-notched projectile point, one large stemmed dart point, three stone cores, one obsidian exhausted core, seven obsidian biface fragments, two desert side-notched projectile points, two cottonwood triangular projectile points, one basalt biface fragment, 45 lots of obsidian debitage, three lots quartz debitage, one lot obsidian and quartz debitage, one lot of obsidian and chert debitage, six soil column samples, six light fraction soil samples, one unidentifiable bone micro fragment, one bone bead, three non-human tooth enamel fragments, one lot of non-human mammal bones, and 25 non-human faunal bones.

Determinations

YOSE has determined that:

- The human remains described in this notice represent the physical remains of 48 individuals of Native American ancestry.
- The 249 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 Bishop Paiute Tribe; Bridgeport Indian Colony; Northfork Rancheria of Mono Indians of California; Picayune Rancheria of Chukchansi Indians of California; and the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California 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 21, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains or

cultural items. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice and, if joined to a claim for disposition from one or more of the Indian Tribes, the Southern Sierra Miwuk Nation and the Mono Lake Kootzaduka'a Tribe, non-federally recognized Indian groups.

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 20, 2026. If competing claims for disposition are received, YOSE 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. YOSE 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23361 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6789; NPS-WASO-NAGPRA-NPS0041558; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Minnesota Historical Society, St. Paul, MN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Minnesota Historical Society (MNHS) intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a known lineal descendant.

DATES: Repatriation of the cultural item in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural

item in this notice to Cecily Marcus, Minnesota Historical Society, 345 West Kellogg Blvd., Saint Paul, MN 55102, email cecily.marcus@mnhs.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 Minnesota Historical Society, 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 sacred object is a pipe bowl and stem (MNHS #1797 A,B). According to the history inscribed on the pipe stem, the pipe belonged to Medweganoonnid (also spelled Mdwegwanonind and Mah-deva-ga-no-nind), "the head chief of the Red Lake Indians—Ojibways" and was gifted to Bishop Henry Benjamin Whipple (d.1901) by Chief Kay-bay-no-ding, son of Medweganoonnid. The pipe was purchased by the Minnesota Daughters of the Revolution Chapters in 1939 as part of the Bishop Whipple Indian Collection, which was later transferred to Minnesota Historical Society as part of the Sibley House transfer by the Sibley House Association of the Minnesota Daughters of the American Revolution on May 21, 1996. No potentially hazardous substances are known to have been used to treat this item.

Determinations

The Minnesota Historical Society has determined that:

- The one sacred object described in this notice is a specific ceremonial object 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.

- Daniel King is connected to the cultural item described in this notice.

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 20, 2026. If competing requests for repatriation are received, the Minnesota Historical Society 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 Minnesota Historical Society is responsible for sending a copy of this notice to all requestors and 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23367 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6779; NPS-WASO-NAGPRA-NPS0041544; PPWOCRADNO-PCU00RP14.R500000]

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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to 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. Accession records are missing for this individual. However, writing on the bone reads "Colonial Grave, c. 1683, Bayside, Long Island, New York." Bayside is in Queens County, New York. Bayside was home to the Matinecock people, descendants of whom can be traced to the federally recognized Delaware Nation, Delaware Tribe of Indians, Shinnecock Indian Nation, and Stockbridge Munsee Community.

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 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 Delaware Nation, Oklahoma; Delaware Tribe of Indians; Shinnecock Indian Nation; and the Stockbridge Munsee Community, Wisconsin.

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 20, 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: December 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23350 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6782; NPS–WASO–NAGPRA–NPS0041551; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Buffalo Society of Natural Sciences, Buffalo Museum of Science, Buffalo, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Buffalo Society of Natural Sciences 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Kathryn H. Leacock, Buffalo Society of Natural Sciences, Buffalo Museum of Science, 1020 Humboldt Parkway, Buffalo, NY 14211, email kleacock@sciencebuff.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 Buffalo Society of Natural Sciences 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 cultural items have been requested for repatriation. The two objects of cultural patrimony are known as catalog numbers C4289 and C12934. Museum catalog records indicate that the first item (C4289) is an 'ahu'ula (feather cape). The feather cape was collected in 1893 and was donated to the Buffalo Society of Natural Sciences in 1923 by Mrs. G. Plimpton. The second item (C12934) is a lei niho palaoa (whale tooth pendant and hair necklace), Museum records do not indicate who collected the necklace.

Determinations

The Buffalo Society of Natural Sciences has determined that:

- 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 Edith Kanaka'ole Foundation and Hui Iwi Kuamo'o.

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 20, 2026. If competing requests for repatriation are received, the Buffalo Society of Natural Sciences 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 Buffalo Society of Natural Sciences 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23354 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6781; NPS–WASO–NAGPRA–NPS0041550; PPWOCRADN0–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 known lineal descendant connected to the human remains in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the human remains in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, 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 one individual has been reasonably identified. No associated funerary objects are present. The human remains were collected at the Sherman Institute, Riverside County, CA, and are hair clippings collected from one individual who was recorded as being 17 years old

and identified as “Miwok.” 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.

Lineal Descendant

Based on the information available and the results of consultation, a lineal descendant is connected to 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 one individual of Native American ancestry.
- A known lineal descendant (names withheld per request) is connected to the human remains described in this notice.

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. The known lineal descendants connected to the human remains.
2. Any other lineal descendant not identified who shows, by a preponderance of the evidence, that the requestor is a lineal descendant.

Repatriation of the human remains in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. The PMAE is responsible for sending a copy of this notice to the lineal descendant 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23353 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6764; NPS–WASO–NAGPRA–NPS0041549; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Kirsten Twork, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email tworkk@sonoma.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 Sonoma 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 205 lots of objects of cultural patrimony have been requested for repatriation.

A total of three lots of objects of cultural patrimony were removed from CA–PLA–75 located near Roseville in Placer county California. There was no information found explaining why the cultural items were removed from the site. The cultural items are obsidian and have been housed at Sonoma State University since their submission.

A total of one lot of objects of cultural patrimony was removed from CA–PLA–139 located near Auburn in Placer county California. There was no information found explaining why the cultural items were removed from the site. The cultural item is obsidian and has been housed at Sonoma State University since their submission.

A total of 11 lots of objects of cultural patrimony were removed from CA–PLA–395 located near Five Lakes in Placer county California. There was no information found explaining why the cultural items were removed from the site. The cultural items are obsidian and have been housed at Sonoma State University since their submission.

A total of 190 lots of objects of cultural patrimony were removed from CA–PLA–965 near Auburn in Placer county California. There was no information found explaining why the cultural items were removed from the site. The cultural items are obsidian and have been housed at Sonoma State University since their submission.

Determinations

The Sonoma State University has determined that:

- The 205 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 reasonable connection between the cultural items described in this notice and the United Auburn Indian Community of the Auburn Rancheria of 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 20, 2026. If competing requests for repatriation are received, the Sonoma 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 Sonoma 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23352 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6754; NPS–WASO–NAGPRA–NPS0041622; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Columbia University, Art Properties, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Columbia University, Art Properties 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Roberto Ferrari, Columbia University, Art Properties, Avery Architectural & Fine Arts Library, 1172 Amsterdam Avenue, New York, NY 10027, email artproperties@library.columbia.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 Columbia University, Art Properties 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 objects of cultural patrimony are one medicine bundle, four medicine bundle cases, one group of bird skins for medicine bundles, one group of medicine bundle ties, one hawk

medicine bundle, one fossil tooth medicine bundle, one eagle feather hairpiece, and one ceremonial rattle. All items were removed from the Plains region and were donated to Columbia University in 1935 by Wendell Ter Bush, Professor of Philosophy. Columbia University, Arts Properties has no knowledge of any potentially hazardous substances used to treat the objects.

Determinations

The Columbia University, Art Properties has determined that:

- The 11 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 Northern Arapaho Tribe of the Wind River Reservation, Wyoming.

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 20, 2026. If competing requests for repatriation are received, Columbia University, Art Properties must determine the most appropriate requestor before repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Columbia University Art Properties 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23357 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6819; NPS–WASO–NAGPRA–NPS0041640; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Dakota Prairie Grasslands, Bismarck, ND

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, Dakota Prairie Grasslands 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Bethany A. Ihle, Dakota Prairie Grasslands, 2000 Miriam Circle, Bismarck, ND 58501, email bethany.ihle@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 Dakota Prairie Grasslands, 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 877 associated funerary objects are flaking debris, stone tool fragments, utilized flakes, pottery sherds, bison and/or deer bone fragments, cores, a projectile point, and projectile point fragments.

In 1984, one human vertebra and another possible human vertebra fragment were removed from site 32MZ173 during evaluative test excavations for a proposed well pad and access road in McKenzie County, ND. The associated funerary objects were recovered from the same test unit and nearby test units and curated all together at the North Dakota Heritage Center. The site was determined eligible for the National Register of Historic Places, and as a result, the proposed well pad and access road were not constructed. A later review of the collection was done by the Dakota Prairie Grasslands, resulting in deaccessioning of the collection and initiation of tribal consultation. No known hazardous substances were used to treat the human remains or funerary items.

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 Dakota Prairie Grasslands has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- The 877 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 Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

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 20, 2026. If competing requests for repatriation are received, the Dakota Prairie Grasslands 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 Dakota Prairie Grasslands 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23362 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6790; NPS-WASO-NAGPRA-NPS0041559; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Sheldon Jackson Museum, Sitka, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sheldon Jackson Museum intends to repatriate a certain cultural item that meets the definition of an unassociated funerary objects 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Jacqueline Fernandez-Hamberg, Sheldon Jackson Museum, 104 College Drive, Sitka, AK 99835, email Jacqueline.Fernandez-Hamberg@alaska.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 Sheldon Jackson 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 one cultural items have been requested for repatriation. The one unassociated funerary object is a small wooden head carved of a knot at the end of a branch with human teeth set in the mouth. The carved human face similar to small faces from Point Hope; human teeth set in mouth. Groove around edge of face perhaps for some feather or hair attachments. End of handle broken off. The back of the carving has the following handwritten inscription: Walla-pi Near Point Barrow Alaska 1892. The piece is culturally affiliated with the Native Village of Barrow based off the inscription and its reference to Point Barrow and Walla-pi.

Determinations

The Sheldon Jackson Museum has determined that:

- The one 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 item described in this notice and the Native Village of Barrow Inupiat Traditional Government.

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 20, 2026. If competing requests for repatriation are received, the Sheldon Jackson Museum 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 Sheldon Jackson 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23368 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6787; NPS-WASO-NAGPRA-NPS0041556; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: 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) 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Megan Noble, UC Davis, 412 Mrak Hall, One Shields Avenue, Davis, CA 95616-8522, 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 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 six associated funerary objects are one lot of basket fragments, one sandal fragment, one corn cob, one lot of dripstone (A.K.A. stalactites), one lot of various faunal remains, and one lot of unidentified missing material. UC Davis Department of Anthropology Museum has no record of when the collection (Accession 430) was deposited at the Anthropology Department or the museum. It is assumed to have been anonymously donated. The collection appears to have been removed from a collapsed cave 15-20 miles southeast of Lake Mead or Meadview, Arizona, perhaps from the eastern side of the Grand Wash Cliffs. Locational information is unclear, but the collection may have been removed from lands within the Hualapai Reservation. The affiliation is with the Hualapai Tribe. UC Davis is unaware of any treatment of the associated funerary objects with pesticides, preservatives, or other substances. However, UC Davis has not conducted any pesticide testing.

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

UC Davis has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The six 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 Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona.

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 20, 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 human remains and associated funerary objects 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 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23365 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6780; NPS-WASO-NAGPRA-NPS0041531; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Oregon Museum of Natural and Cultural History 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Pamela Endzweig, University of Oregon Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, email endzweig@uoregon.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 Oregon Museum of Natural and Cultural 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

Human remains representing, at least, one individual have been identified. The 12 associated funerary objects include eight items of worked bone, one non-human tooth, a pestle fragment, and a small string of glass beads, and an undentifiable stone object. The fragmentary human remains (catalogued as 11–541 and also 1–12172) are from an adult of indeterminate age and sex. The human remains and funerary objects were collected by a private individual in 1933 and donated to the Museum in 1946. They are attributed to Port Orchard. While primary accessions records attribute them to Oregon, the present town of Port Orchard lies to the north in the state of Washington. It is alternatively possible that the collection is from Port Orford, Oregon. Records state that “data were given from memory—no written records.” While the exact nature of the burial association is unknown, the artifacts originated at the same location and they are not inconsistent with funerary objects. Based on these, the burial would date to proto-historic or post Euroamerican contact times. Port Orchard, Washington is the historic territory of Coast Salish peoples. Port Orford is the historic territory of Kwatami peoples.

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 Oregon Museum of Natural and Cultural History has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry
- The 12 objects described in this notice are reasonably believed to have been placed 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 Confederated Tribes of Siletz Indians of Oregon; Coquille Indian Tribe; Muckleshoot Indian Tribe; Port Gamble S'Klallam Tribe; Puyallup Tribe of the Puyallup Reservation; Skokomish Indian Tribe; Squaxin Island Tribe of the Squaxin Island Reservation; and the Suquamish Indian Tribe of the Port Madison Reservation.

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 20, 2026. If competing requests for repatriation are received, the University of Oregon Museum of Natural and Cultural 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 University of Oregon Museum of Natural and Cultural 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: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23338 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6775; NPS–WASO–NAGPRA–NPS0041541; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and University of California, Berkeley, Berkeley, CA

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, Bureau of Indian Affairs (BIA) and University of California, Berkeley 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Tamara Billie, U.S. Department of the Interior, Bureau of Indian Affairs, 1001 Indian School Road NW, Mailbox 44, Albuquerque, NM 87104, email tamara.billie@bia.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 U.S. Department of the Interior, Bureau of Indian Affairs (BIA), 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 13 cultural items have been requested for repatriation. The 13 objects of cultural patrimony were removed in 1956 by F.J. Johnston and P.H. Johnston from sites CA–RIV–74

and CA-RIV-84 in Riverside County, California, during a University of California Archaeological Survey. These objects include pottery, faunal remains, and lithics. They were accessioned into the University of California Museum of Anthropology (now the Phoebe A. Hearst Museum of Anthropology) later that same year.

Collections and collection spaces at the Phoebe A. Hearst Museum of Anthropology were treated with substances for preservation and pest control, some of which are potentially hazardous. No records have been found to date at the Museum to indicate whether chemicals or natural substances were used before 1960.

Determinations

The BIA has determined that:

- The 13 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 Morongo 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 20, 2026. If competing requests for repatriation are received, the U.S. Department of the Interior, Bureau of Indian Affairs (BIA) 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 U.S. Department of the Interior, Bureau of Indian Affairs (BIA) 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: December 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23347 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6771; NPS-WASO-NAGPRA-NPS0041538; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: James B. and Rosalyn L. Pick Museum of Anthropology at Northern Illinois University, DeKalb, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the James B. and Rosalyn L. Pick Museum of Anthropology at Northern Illinois University (Pick Museum) intends to repatriate certain cultural items that meet the definition of sacred 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Margaret Alway, James B. and Rosalyn L. Pick Museum of Anthropology at Northern Illinois University, 1425 W Lincoln Hwy., DeKalb, IL 60015, email malway@niu.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 Pick 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 13 cultural items have been requested for repatriation. The 13 sacred objects/objects of cultural patrimony are medicine bundles (catalog nos. 72-11-2 to 72-11-13), known as *jish*, and a shield (catalog no. 69-35-24). The

shield was purchased in 1969 by staff of the Pick Museum from Don Watson's Indian Trading Post in Cortez, Colorado. The medicine bundles were purchased by staff of the Pick Museum in 1972 from Littrell's Kiva Trading Post in Aztec, New Mexico. The Pick Museum recorded the items as Navajo.

Determinations

The Pick Museum has determined that:

- The 13 sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and 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).

- There is a connection between the cultural items described in this notice and the Navajo Nation, Arizona, New Mexico, & Utah.

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 20, 2026. If competing requests for repatriation are received, the Pick 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 Pick 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: December 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23344 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6793; NPS–WASO–NAGPRA–
NPS0041564; PPWOCRADNO–
PCU00RP14.R50000]

Notice of Inventory Completion: Rochester Museum & Science Center, Rochester, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Rochester Museum & Science Center (RMSC) 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Elizabeth Alecki, Rochester Museum & Science Center, 657 East Avenue, Rochester, NY 14607, email ealecki@rmsc.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 Rochester Museum & Science Center, 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.

Human remains representing, at minimum, three individuals were removed from the Bell-Philhower Site in Sussex County, NJ, by William A. Ritchie through RMSC excavation in July or August 1947. No known individuals were identified. The 4,146 associated funerary objects are 3,229

pottery sherds, 672 stone tools, 144 projectile points, 36 canine bones, 18 bone tools, 12 pots, 13 pipe fragments, seven turtle carapace fragments, two bear canines, two conches, one gorget fragment, one iron tool, one pipe, one portion of comb top, one piece of quartz, one spangle, one steatite dish portion, one strike-a-light, one piece of carbonized antler fragment, one piece of carbonized glass, one piece of charcoal. Of the 4,146 objects, 22 pottery sherds, three stone tools, six projectile points, one bone tool, and one pipe fragment are considered missing.

Human remains representing, at minimum, one individual were removed from the Davenport Site in Sussex County, NJ, by William A. Ritchie through Rochester Museum excavation at an unknown date. No known individuals were identified. The 89 associated funerary objects are 58 pottery sherds, 25 stone tools, three projectile points, two bone tools, and one piece of charred wood.

There is no record of the human remains or associated funerary objects being treated with pesticides, preservatives, or other substances that represent a potential hazard to the object(s) or to person(s) handling the object(s).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the geographic location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The RMSC has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- The 4,235 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 Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin.

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 20, 2026. If competing requests for repatriation are received, the Rochester Museum & Science Center 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 RMSC 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: December 8, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23372 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6814; NPS–WASO–NAGPRA–
NPS0041634; PPWOCRADNO–
PCU00RP14.R50000]

Notice of Intended Repatriation: Pennsylvania Historical and Museum Commission, State Museum of Pennsylvania, Harrisburg, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The State Museum of Pennsylvania intends to repatriate a certain cultural item that meets the definition of a sacred 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural

item in this notice to Barbara Frederick, PHMC, The State Museum of Pennsylvania, 300 North Street Harrisburg, PA 17120, email bafrederic@pa.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 State Museum of Pennsylvania, 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 sacred object is a mask. This mask was purchased by Gerald B. Fenstermaker from a dealer in Auburn, New York. It is identified in museum records as Onondaga style. This item has been housed at The State Museum of Pennsylvania since c. 1932 under accession 32.35. No hazardous substances have been used to treat this item.

Determinations

The State Museum of Pennsylvania 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.
- There is a connection between the cultural item described in this notice and the Onondaga Nation.

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 20, 2026. If competing requests for repatriation are received, The State Museum of Pennsylvania

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 State Museum of Pennsylvania 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23380 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6751; NPS-WASO-NAGPRA-NPS0041532; 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 (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 20, 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 University of Florida-Florida Museum of Natural 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

FLMNH has identified human remains representing at least 90 individuals from seven sites across Duval and St. Johns Counties, Florida in the collections. There are a total of 15,427 associated funerary objects across sites including beads, ceramics, fauna, shell, red ochre, buttons, lead, glass, lithics, and other items. Each site is described individually below.

(1) Brown Saxon (8DU62) is a 9.9-hectare multicomponent site that covers a large section of the interior part of the Theodore Roosevelt Preserve. The site runs parallel to the shoreline, although it is found on the higher ground inland from the marsh's edge. It was originally documented by William H. Sears. Sears performed three FLMNH museum expeditions in 1955, 1957, and 1959. The artifacts and human remains housed in the FLMNH originate from these expeditions. Human remains representing at least 41 individuals have been identified. The 615 associated funerary objects are pottery and fauna remains.

(2) Goodman (8DU66A) is located on the east bank of Mill Cove on the south side of the St. Johns River. In the spring of 1961, through the FLMNH, Douglas F. Jordon conducted excavations of this mound on property owned by Morris Goodman who was in the process of subdividing the land for development. Human remains representing at least 29 individuals have been identified (25 subadults and four adults). The approximately 3,500 associated funerary objects include pottery sherds, worked bone, bone/shell beads, stone tools, shell, and red ochre.

(3) McCormack (8DU66) is a multicomponent site located on the east side of Mill Cove. The site once consisted of a mound (Goodman Mound (8DU66A)) and an extensive shell midden. McCormack was first investigated by William H. Sears in 1955. The results of these excavations showed extensive occupation over long durée. Artifacts and human remains housed at the FLMNH originate from expeditions by Sears. Human remains representing, at least, seven individuals have been identified (one subadult and six adults). The 131 associated funerary objects include 74 catalogs of faunal and shell, as well as 57 catalogs of pottery, glass and lithic from the burial mound context, including Tests one and three.

(4) Potters Fiesta (SA23) is in St. Augustine, St. Johns County, Florida, located south of the present-day plaza in downtown St. Augustine. The holdings at the FLMNH come from excavations carried out at the site by the Historic St. Augustine Preservation Board in 1986. Excavations were undertaken due to proposed development on the parking lot area south of the Fiesta Mall. These excavations revealed that the site ranges from the First Spanish period (1565–1763) to the 20th century, containing late 16th and early 17th century burials that are associated with the St. Augustine parish church of Nuestra Señora de los Remedios (Our Lady of Remedies). All burials at the site were Christian style burials (oriented East-West, shroud burials). Human remains representing at least nine individuals have been identified. The 8,079 associated funerary objects include fragments of iron, ceramic, mortar, buttons, lead, a copper lace tip, charcoal, burned clay, fauna, shell, wood, and slag, among others.

(5) Ribera Gardens (SA12–26) is a historic site in St. Augustine, St. Johns County, Florida. The site includes a midden where this Ancestor was recovered and was excavated by the Historic St. Augustine Preservation Board (HSAPB) in 1989. These excavations found that the site ranges from the First Spanish period (1565–1763) to the 20th century. In 1999, after the HSAPB was dissolved, collections from this site were transferred to the FLMNH by the State of Florida Legislative mandate. Human remains representing, at least, one individual has been identified. The 747 associated funerary objects include metal, glass, pottery, and other fragments and a button.

(6) Spanish Hospital (SA28–1) is in St. Augustine of St. Johns County, Florida, located south of the present-day plaza in downtown St. Augustine. Excavations at this site were carried out by the Historic St. Augustine Preservation Board (HSAPB) in 1979. The collections from these excavations were later donated to the FLMNH in 1992. The excavations revealed several Christian style burials associated with the St. Augustine Parish Church of Nuestra Señora de los Remedios (Our Lady of Remedies). The burials date to the 16th and early 17th centuries and were disturbed by 18th, 19th, and 20th century activities. Only one burial was recorded to have been excavated and analyzed. Human remains representing, at least, two individuals have been identified. The 188 associated funerary objects include Native American

ceramics, clothing, beads, pipes, tools, and gunflint.

(7) Summer Haven (8SJ46) is a prehistoric shell midden located south of the Mantanzas Inlet in St. Johns County, Florida. According to Bullen and Bullen (1961), the site spans the late Orange Period (1000 BC). The excavators describe how the midden had been damaged by road construction in the 1950s. From this midden, the FLMNH houses collections from various museum expeditions led by Ripley P. Bullen, which were transferred from the Florida Park Service and the Anthropology Department at the University of Florida, as well as donations between 1959 and 1982. Human remains representing at least one individual has been identified. There are approximately 2,167 associated funerary objects including fauna, pottery fragments, shell, a pick, a hammer, a fishhook, and other miscellaneous items.

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 and associated funerary objects described in this notice.

Determinations

The University of Florida-Florida Museum of Natural History has determined that:

- The human remains described in this notice represent the physical remains of 90 individuals of Native American ancestry.
- The 15,427 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; Seminole Tribe of Florida; and The Muscogee (Creek) 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 20, 2026. If competing requests for repatriation are received, the University of Florida-Florida Museum of Natural 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 University of Florida-Florida Museum of Natural History 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: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23339 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6820; NPS–WASO–NAGPRA–NPS0041641; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of Agriculture, Forest Service, Dakota Prairie Grasslands, Bismarck, ND

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, Dakota Prairie Grasslands intends to carry out the disposition of human remains, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony 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 or cultural items in this notice may occur on or after January 20, 2026. If no claim for disposition is received by December 21, 2026, the human remains or cultural items in this notice will become unclaimed human remains or cultural items.

ADDRESSES: Send written claims for disposition of the human remains or cultural items in this notice to Bethany A. Ihle, Dakota Prairie Grasslands, 2000 Miriam Circle, Bismarck, ND 58501, email bethany.ihle@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 Dakota Prairie National Grasslands, 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. 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 two individuals have been reasonably identified from two different locations. One associated funerary object has been identified.

On July 31, 2022, a single cranial bone was discovered on a sand bar in the Little Missouri River in Billings County, North Dakota. This was exposed by a significant flooding event and reported to the Billings County Sheriff's Department, who transferred custody to the Billings County Medical Examiner on August 3, 2022. The medical examiner determined the remains to be the parietal bone of an adult human predating the present time. No associated funerary objects were identified.

On October 19, 2024, a human cranium was discovered along a deep, heavily eroded ravine in McKenzie County, North Dakota. This was reported to the McKenzie County Sheriff's Department and was originally thought to be a modern forensics case. The Federal Bureau of Investigation (FBI) took custody of the remains and determined that the cranium belonged to a Native American, likely female, that predates the present time and is not a forensic matter. The one associated funerary object is a bone awl.

Determinations

The Dakota Prairie Grasslands has determined that:

- The human remains described in this notice represent the physical remains of two individuals 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.

- The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota have priority for disposition of the human remains or cultural item described in this notice.

Claims for Disposition

Written claims for disposition of the human remains or cultural items 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 21, 2026, the human remains or cultural items in this notice will become unclaimed human remains or cultural items. 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 or cultural items in this notice may occur on or after January 20, 2026. If competing claims for disposition are received, the Dakota Prairie Grasslands must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the human remains or cultural items are considered a single claim and not competing claims. The Dakota Prairie Grasslands 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: December 11, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23387 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6770; NPS-WASO-NAGPRA-NPS0041537; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Santa Cruz Museum of Natural History, Santa Cruz, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), the Santa Cruz Museum of Natural History intends to repatriate certain cultural items that meet the definition of sacred object 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 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Kathleen Aston, Santa Cruz Museum of Natural History, 1305 E Cliff Drive, Santa Cruz 95060, email collections@santacruzmuseum.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 Santa Cruz Museum of Natural History, 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 three cultural items have been requested for repatriation. The three sacred objects are a makau (fishhook), kapa (bark cloth), and a moena lauhala (mat). The makau was collected by Dr. Alex H. Bailey around 1900, and then given to Laura Hecox of Santa Cruz, CA. The records for the kapa indicate that it was also collected about 1900 in Hawaii, and was at some point prior to 1905 given to Laura Hecox. The records for the moena lauhala indicate that it was collected in the "South Sea Islands" in the late 19th or early 20th century, and has subsequently been identified as Hawaiian in consultation with Hui Iwi Kuamo'o. The Santa Cruz Museum of Natural History has no records that indicate that any of these cultural items were treated with potentially hazardous substances.

Determinations

The Santa Cruz Museum of Natural History has determined that:

- The three 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.

- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamo'o.

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 20, 2026. If competing requests for repatriation are received, the Santa Cruz Museum of Natural History 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 Cruz Museum of Natural History 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: December 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-23343 Filed 12-18-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6777; NPS-WASO-NAGPRA-NPS0041542; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: The University of Tennessee, Department of Anthropology, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Knoxville, Department of Anthropology (UTK) 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 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email nagpra@utk.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 UTK, 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. This individual was removed from the Curry Farm site (14GR301) between 1963 and 1964. The Curry Farm site is located along the Verdigris River in Greenwood County, KS and dates to the Middle Woodland Greenwood Phase (c. 120–600 CE), with unspecified earlier Archaic components. The site was identified by the landowner in 1963, H.C. Curry, who exposed human remains while digging on the property. Curry notified Tom Witty, Kansas State Historical Society (KSHS), who led salvage excavations between 1963 and 1964. The individual housed at UTK was removed during these salvage excavations and sent by Witty to William Bass for examination in October of 1965 at University of Kansas (KU). Records indicate that Bass likely retained this individual and brought them to UTK in 1971.

Human remains representing, at least, one individual have been identified. The three lots of associated funerary objects are ceramics, lithics, and other objects placed with or near human remains. This individual and the associated funerary objects were likely removed from unnamed archaeological site in Riley County, KS (14RY302) by a local collector and donated to KSHS in 1961. The 14RY302 site is multicomponent, and reports suggest these remains and objects likely date to the Late Archaic component of the site (c. 1000 BCE). The remains were sent to

William Bass by Tom Witty for examination at KU in 1964. A note from Tom Witty, dated August 10th, 1961, was present with the human remains and identified 14RY301, Straffuss, as the location the human remains and objects were removed from. Review of records from KSHS and UTK by KSHS staff indicates 14RY302 is the correct site location. It is likely this individual and the associated objects were retained by Bass and brought with him to UTK in 1971.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. This individual was removed from an unknown location in Butler County, KS on an unknown date. Records indicate this individual was sent to William Bass at KU by the Butler County Sheriff for examination after they were confiscated by law enforcement. Bass sent his determination to the Butler County Sheriff in a memo dated July 29th, 1969. This individual was likely retained by Bass and transported with him when he came to UTK in 1971. A preservative was applied to some of the remains at some point after Bass retained them.

Human remains representing, at least, two individuals, have been identified. The three lots of associated funerary objects are ceramics, lithics, and other objects placed with or near human remains. These remains were removed from an unknown location in Morris County, KS on an unknown date by an unknown individual. Based on patterns of past practice, it is likely that these individuals were retained by Bass in Kansas and brought with him to UTK in 1971.

Human remains representing, at least, one individual, have been identified. No associated funerary objects are present. This individual was removed from an unknown location in Kansas by an unknown individual on an unknown date. UTK has no records related to this individual, but based on past patterns of practice, it is likely they came to UTK through Bass.

Information regarding the presence of potentially hazardous substances has previously been shared with consulting parties.

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

UTK has determined that:

- The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- The six 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 Cheyenne and Arapaho Tribes, Oklahoma; Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Pawnee Nation of Oklahoma; and the Prairie Band Potawatomi 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 20, 2026. If competing requests for repatriation are received, UTK 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. UTK 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: December 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23348 Filed 12–18–25; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation. No. 337–TA–1464]

Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 30, 2025, under section 337 of the Tariff Act of 1930, as amended, on behalf of JUUL Labs, Inc. of Washington, DC and VMR Products LLC of Washington, DC Supplements to the Complaint were filed on November 18 and 25, 2025, and on December 1 and 2, 2025. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vaporizer devices, cartridges used therewith, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,134,722 (“the ‘722 patent’”) and U.S. Patent No. 11,606,981 (“the ‘981 patent’”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained 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 at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT:

Susan Orndoff, The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on December 16, 2025, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–2, 4–7, and 9–21 of the ‘722 patent and claims 1–2, 4–5, and 8–18 of ‘981 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “vaporizer devices (ENDS devices), cartridges used therewith (sometimes referred to as ‘pods’), and components thereof (cartridge housings, atomizers, atomizer subassemblies, device subassemblies)”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

JUUL Labs, Inc., 1000 F Street NW, Washington, DC 20004
VMR Products LLC, 1000 F Street NW, Washington, DC 20004

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Glas, Inc., 2127 Westwood Blvd., Suite 200, Los Angeles, CA 90025
Glas, LLC, 2127 Westwood Blvd., Suite 200, Los Angeles, CA 90025

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in

accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: December 16, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-23400 Filed 12-18-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Dental Burs and Kits Thereof, DN 3868*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>.

For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf Huwais IP Holding LLC and Versah, LLC on December 16, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dental burs and kits thereof. The complaint names as respondents: Pawn Move of Pakistan; Raheela Instruments of United Arab Emirates; Ali House of Dental of Pakistan; Dental68 of Grapevine, TX; Mahfooz Instruments of Pakistan; Medsal International of Pakistan; Hamsan International d/b/a Hamsan Surgical of Pakistan; Arck Instruments UK LTD of United Kingdom; Denshine of Rancho Cucamonga, CA; DentalBTC of Pakistan; iDentalShop of Elk Grove Village, IL; Dyna International of Pakistan; Merit Surgical of Canada; Skeema Dental Italia of Italy; Orthodonticdenal of Australia; and New Med Instruments of Pakistan. The complainant requests that the Commission issue a general exclusion order or in the alternative a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the

United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3868") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time.

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: December 16, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-23427 Filed 12-18-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1465]

Certain Semiconductor Devices, Computing Products Containing the Same, and Components Thereof; Notice of Institution

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 17, 2025, under section 337 of the Tariff Act of 1930, as amended, on behalf of Adeia, Inc. of San Jose, California, Adeia Semiconductor Bonding Technologies, Inc. of San Jose, California, and Adeia Holdings Inc. of San Jose, California. Supplements were filed on November 26, December 4, and December 5, 2025. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices, computing products containing the same, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,978,681 ("the '681 patent"); U.S. Patent No. 12,199,069 ("the '069 patent"); U.S. Patent No. 12,322,650 ("the '650 patent"); and U.S. Patent No. 12,381,173 ("the '173 patent"). The complaint, as supplemented, further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute. The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained 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 at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT:

Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on December 16, 2025, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1-31 of the '681 patent; claims 1-21 of the '069 patent; claims 1-30 of the '650 patent; and claims 16-24 of the '173 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "(a) AMD semiconductor devices, and specifically processors and other integrated circuits that include hybrid bonded or direct bonded structures; and (b) computing devices containing or incorporating the same AMD semiconductor devices, such as servers, desktop devices, and laptop devices";

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

(a) The complainants are:

Adeia, Inc., 3025 Orchard Parkway, San Jose, CA 95134

Adeia Semiconductor Bonding Technologies, Inc., 3025 Orchard Parkway, San Jose, CA 95134

Adeia Holdings Inc., 3025 Orchard Parkway, San Jose, CA 95134

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Advanced Micro Devices, Inc., 2485 Augustine Drive, Santa Clara, CA 95054,

Lenovo (United States) Inc., 8001 Development Drive, Morrisville, NC 27560

Lenovo Group Limited, 23rd Floor, Lincoln House, Taikoo Place, 979 King's Road, Quarry Bay, Hong Kong SAR

Lenovo Information Products (Shenzhen) Co., Ltd., 2F, No. 1 Plant, Lenovo Innovation Park, Lidu Road, Loucun Community, Xihu Street, Guangming District, Shenzhen, Guangdong, 518000 China

Super Micro Computer, Inc., 980 Rock Ave., San Jose, CA 95131

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing

such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: December 16, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-23401 Filed 12-18-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Wireless Communication Devices and Components Thereof, DN 3867*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf Active Wireless Technologies LLC. on December 16, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in

the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless communication devices and components thereof. The complaint names as respondents: BLU Products, Inc. of Doral, FL; Coosea USA Technologies, Inc. of San Diego, CA; DISH Wireless LLC of Englewood, CO; EchoStar Corporation of Englewood, CO; HTC Corporation of Taiwan; LG Electronics Inc. of South Korea; OnePlus Technology (Shenzhen) Co., Ltd. of China; Qualcomm Technologies, Inc. of San Diego, CA; TCL Communication Ltd. of Hong Kong; TTE Technology, Inc. d/b/a TCL North America of Irvine, CA; TCL Technology Group Corporation of China; and T-Mobile USA, Inc. of Bellevue, WA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j). Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3866") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures).¹ Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices,

and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: December 16, 2025.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2025-23426 Filed 12-18-25; 8:45 am]

BILLING CODE 7020-02-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Civil Rules; Hearing of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Civil Rules; notice of cancellation of open hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Civil Procedure has been canceled: Civil Rules Hearing on January 13, 2026.

DATES: January 13, 2026.

FOR FURTHER INFORMATION CONTACT:

Carolyn A. Dubay, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

SUPPLEMENTARY INFORMATION: The announcement for this hearing was previously published in the **Federal Register** on July 14, 2025 at 90 FR 31242.

(Authority: 28 U.S.C. 2073.)

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

Dated: December 17, 2025.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2025-23482 Filed 12-18-25; 8:45 am]

BILLING CODE 2210-55-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the Defense Production Act of 1950

AGENCY: Antitrust Division, U.S. Department of Justice.

ACTION: Notice of review of voluntary agreement.

SUMMARY: Notice is hereby given pursuant to section 708 of the Defense Production Act of 1950 ("DPA"), that the Assistant Attorney General finds, with respect to the Implementing Voluntary Agreements Under the Defense Production Act ("Voluntary Agreement") proposed by the Department of Energy ("DOE"), that the purposes of section 708(c)(1) of the DPA may not reasonably be achieved through a voluntary agreement having less anticompetitive effects or without any voluntary agreement. Given this finding, the proposed Voluntary Agreement may become effective following the publication of this notice.

SUPPLEMENTARY INFORMATION: Under the DPA, DOE may enter into plans with representatives of private industry for the purpose of improving the efficiency with which private firms contribute to the national defense when conditions exist that may pose a direct threat to the national defense or its preparedness. Such arrangements are generally known as "voluntary agreements." Participants in an existing voluntary agreement may adopt documented methods, known as "plans of action," to implement that voluntary agreement. A defense to actions brought under the antitrust laws is available to each participant acting within the scope of a voluntary agreement and plan of action that has come into force under the DPA.

The DPA requires that each proposed plan of action be reviewed by the Attorney General prior to becoming effective. If, after consulting with the Chair of the Federal Trade Commission, the Attorney General finds that the purposes of the DPA's plans of action provision "may not reasonably be achieved through a . . . voluntary agreement having less anticompetitive effects or without any . . . voluntary agreement," the voluntary agreement may become effective. 50 U.S.C. 4558(f)(1)(B). All functions which the

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

Attorney General is required or authorized to perform by section 708 of the DPA have been delegated to the Assistant Attorney General, Antitrust Division. 28 CFR 0.40(l).

Executive Order 14,302

“Reinvigorating the Nuclear Fuel Base”, 90 FR 22595 (“E.O. 14,302”) required the Secretary of Energy, in coordination with the Attorney General and the Chairman of the Federal Trade Commission, to utilize authority provided to the President in section 708(c)(1) of the Defense Production Act to seek voluntary agreements with domestic nuclear energy companies to provide for the national defense. The purpose of the proposed Voluntary Agreement is to establish a consortium and plans of action to ensure that the domestic nuclear fuel supply chain capacity is available to enable the continued reliable operation of the Nation’s existing and future nuclear reactors. The phases of the domestic nuclear fuel supply chain that will be addressed in the consortium and plans of action include milling, conversion, enrichment, deconversion, fabrication, recycling and reprocessing, end users, and Uranium Fuel Infrastructure Resilience Mechanism (“UFIRM”). The consortium will allow for consultation with domestic nuclear energy companies to discuss and implement methods to enhance the capability to manage spent nuclear fuel to ensure the continued reliable operation of domestic nuclear reactors. DOE has certified that the proposed Voluntary Agreement is necessary to carry out its purpose, as specified in E.O. 14,302.

DOE requested that the Assistant Attorney General, Antitrust Division, pursuant to the Attorney General’s delegation of authority under 28 CFR 0.40(i), issue a finding that the proposed Voluntary Agreement satisfies the statutory criteria set forth in 50 U.S.C. 4558(f)(1)(B). The Assistant Attorney General, Antitrust Division, reviewed the proposed Voluntary Agreement and consulted with the Chair of the Federal Trade Commission. On December 12, 2025, by letter to Assistant Secretary for Nuclear Energy Theodore J. Garrish, Gail Slater, Assistant Attorney General, Antitrust Division, issued a finding, pursuant to 50 U.S.C. 4558(f)(1)(B), that the purposes of the DPA’s plans of action provision “may not reasonably be achieved through a . . . plan of action having less anticompetitive effects or without any . . . plan of action.”

Dated: December 16, 2025.

David G.B. Lawrence,

Policy Director, Antitrust Division.

[FR Doc. 2025–23443 Filed 12–18–25; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1614]

Importer of Controlled Substances Application: Aveva Drug Delivery Systems, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Aveva Drug Delivery Systems, Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before January 20, 2026. Such persons may also file a written request for a hearing on the application on or before January 20, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted 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 <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must 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. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on April 16, 2025, Aveva Drug Delivery Systems, Inc., 3250 Commerce Parkway, Miramar, Florida 33025–3907, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Thebaine	9333	II

The company plans to import the listed controlled substance for analytical purposes only. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant’s business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas W. Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2025–23469 Filed 12–18–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1612]

Importer of Controlled Substances Application: Bright Green Corporation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Bright Green Corporation has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before January 20, 2026. Such persons may also file a written request for a hearing on the application on or before January 20, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted 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

<https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must 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. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 11, 2025, Bright Green Corporation, 1033 George Hanosh Boulevard, Grants, New Mexico 87020, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Opium, raw	9600	II
Poppy Straw	9650	II
Poppy Straw Concentrate.	9670	II

The company plans to import the listed controlled substances in bulk form to establish domestic manufacturing (growing) of poppies to supply other DEA-registered manufacturers to produce Active Pharmaceutical Ingredients. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas W. Prevoznik,
Deputy Assistant Administrator.

[FR Doc. 2025-23468 Filed 12-18-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1635]

Bulk Manufacturer of Controlled Substances Application: Janssen Pharmaceuticals, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Janssen Pharmaceuticals, Inc. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before February 17, 2026. Such persons may also file a written request for a hearing on the application on or before February 17, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted 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 <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on November 7, 2025, Janssen Pharmaceuticals, Inc., 1440 Olympic Drive, Buildings 1-5 and 7-14, Athens, Georgia 30601-1645, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Methylphenidate	1724	II

The company plans to manufacture the listed controlled substance for sale to its customers. No other activity for

this drug code is authorized for this registration.

Thomas Prevoznik,
Deputy Assistant Administrator.

[FR Doc. 2025-23467 Filed 12-18-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1634]

Importer of Controlled Substances Application: Groff Health Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Groff Health Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before January 20, 2026. Such persons may also file a written request for a hearing on the application on or before January 20, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted 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 <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must 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. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on November 7, 2025, Groff Health Inc., 2218 South Queen Street, York, Pennsylvania 17402, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I
Psilocyn	7438	I

The company plans to import bulk substances to support internal research, clinical trials, analytical purposes, and distribution to their customers. No other activities for these drug codes are authorized for this registration. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,
Deputy Assistant Administrator.
[FR Doc. 2025–23466 Filed 12–18–25; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE
Drug Enforcement Administration
Timothy Balisky, N.P.; Decision and Order

On July 28, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Timothy Balisky, N.P., of Huntersville, North Carolina (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1 at 1, 4. The OSC proposed the revocation of Registrant's Certificate of Registration, No. MB7242352, alleging that Registrant's registration should be revoked because Registrant is "currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of North Carolina, the state in which [he is] registered with DEA." *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).¹

¹ According to the OSC and Agency records, Registrant's registration expired on July 31, 2025. RFAAX 1, at 2. The fact that a registrant allows his registration to expire during the pendency of an administrative enforcement proceeding does not impact the Agency's jurisdiction or prerogative under the Controlled Substances Act (CSA) to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.*, 84 FR 68474, 68476–79 (2019).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2–3 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 2–3.² "A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC]." 21 CFR 1301.43(e).

Further, "[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67." *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, effective May 13, 2025, the North Carolina State Board of Nursing issued an Order of Summary Suspension, suspending Registrant from the practice of nursing in North Carolina. RFAAX 1, at 2. According to North Carolina online records, of which the Agency takes official notice,³ the current status of Registrant's North Carolina nurse practitioner license is "No License due to Discipline." North Carolina Board of Nursing License Verification, <https://portal.ncbon.com/licenseverification/search.aspx> (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed as a nurse practitioner in North

² Based on the Government's submissions in its RFAA dated September 9, 2025, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the Government's Declaration from a DEA Diversion Investigator (DI) indicates that on July 29, 2025, Registrant was personally served with a copy of the OSC. RFAAX 2, at 1; *see also id.* at 3 (Form-DEA 12 signed by Registrant, acknowledging receipt of the OSC).

³ Under the Administrative Procedure Act, an agency "may take official notice of facts at any stage in a proceeding—even in the final decision." United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

Carolina, the state in which he is registered with DEA.⁴

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 "upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances." With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales v. Oregon*, 546 U.S. 243, 270 (2006) ("The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21)."). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.*, 76 FR 71371, 71372 (2011), *pet. for rev. denied*, 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.*, 43 FR 27616, 27617 (1978).⁵

⁴ Pursuant to 5 U.S.C. 556(e), "[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary." The material fact here is that Registrant, as of the date of this decision, is not licensed as a nurse practitioner in North Carolina. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration at dea.addo.attorneys@dea.gov.

⁵ This rule derives from the text of two provisions of the CSA. First, Congress defined the term "practitioner" to mean "a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice." 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that "[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices." 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the

According to North Carolina statute, “dispense” means “to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.” N.C. Gen. Stat. 90–87(8) (2024). Further, a “practitioner” means a “physician . . . or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance so long as such activity is within the normal course of professional practice or research in [the] State.” *Id.* at 90–87(22)(a).⁶

Here, the undisputed evidence in the record is that Registrant lacks authority to practice as a nurse practitioner in North Carolina. As discussed above, an individual must be a licensed practitioner to dispense a controlled substance in North Carolina. Thus, because Registrant lacks authority to practice as a nurse practitioner in North Carolina and, therefore, is not authorized to handle controlled substances in North Carolina, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant’s DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. MB7242352 issued to Timothy Balisky, N.P. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Timothy Balisky, N.P., to renew or modify this registration, as well as any other pending application of Timothy Balisky, N.P., for additional registration in North Carolina. This Order is effective January 20, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on December 15, 2025, by Administrator

appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.*, 76 FR at 71371–72; *Sheran Arden Yeates, M.D.*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.*, 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.*, 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.*, 43 FR at 27617.

⁶North Carolina law permits licensed nurse practitioners to handle controlled substances provided certain requirements are met. *See* 21 N.C. Admin. Code 36.0809 (2024); N.C. Gen. Stat. 90–87(22)(a).

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. 2025–23475 Filed 12–18–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 05–2025]

Privacy Act of 1974; Systems of Records

AGENCY: Executive Office for Immigration Review, United States Department of Justice

ACTION: Notice of a system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Executive Office for Immigration Review (EOIR), a component within the United States Department of Justice (DOJ or Department), proposes to develop a new system of records titled “Pro Bono List Program Records,” and numbered JUSTICE/EOIR–005. EOIR proposes to establish this system of records to track and manage information and documents related to the List of Pro Bono Legal Service Providers (the List), as well as administration of the underlying application process for organizations, pro bono referral services, and attorneys to be included on the List. The system integrates an electronic information system to manage the records more efficiently, simplify the application process for providers through an online web-based Pro Bono List User Portal, allow providers to update their own contact information in the List, and streamline communications between EOIR, legal service providers, and the public.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day period in which to comment on the routine uses, described below.

Therefore, please submit any comments by January 20, 2026.

ADDRESSES: The public, Office of Management and Budget (OMB), and Congress are invited to submit any comments: by mail to the United States Department of Justice, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, Two Constitution Square, 145 N St. NE, Suite 8W–300, Washington, DC 20530; by facsimile at 202–307–0693; or by email at privacy.compliance@usdoj.gov. To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Justine Fuga, Senior Component Official for Privacy, Office of the General Counsel; by mail at Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041; or by email at Justine.Fuga@usdoj.gov and EOIR.Privacy.Intake@usdoj.gov.

SUPPLEMENTARY INFORMATION: The primary mission of EOIR is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation’s immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings.

EOIR is required under 8 U.S.C. 1158(d)(4) and 1229(b)(2) to maintain a list of pro bono legal service providers who are available to represent individuals who are placed in immigration proceedings before EOIR and the Department of Homeland Security (DHS). The EOIR Office of Policy maintains the List, which must be updated on a quarterly basis. 8 U.S.C. 1158(d)(4), 1229(b)(2). The List is provided to individuals in immigration proceedings and contains information on non-profit organizations and attorneys who have committed to providing at least 50 hours per year of pro bono legal services before the immigration court with respect to which they appear on the List. The List also contains information on pro bono referral services that refer individuals in immigration court proceedings to pro bono counsel. The rules for qualifying organizations, pro bono referral services, and attorneys to be placed on the List can be found at 8 CFR 1003.61 *et seq.*

EOIR uses an electronic information system to manage records related to the List more efficiently; simplify the application process for providers through the external-facing web-based Pro Bono List User Portal; allow providers to update to their own contact

information through the User Portal; and streamline communications between EOIR, providers, and the public. EOIR distributes copies of the List to its immigration courts and to DHS and posts the List on its public website, available at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress on this new system of records.

Dated: December 17, 2025.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

JUSTICE/EOIR-005

SYSTEM NAME AND NUMBER:

Pro Bono List Program Records, EOIR-005

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041. Electronic records are maintained in EOIR's electronic information system, the Pro Bono List Microsoft Dynamics System, and stored in the DOJ EOIR Microsoft Azure Cloud.

SYSTEM MANAGER(S):

Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041.

Chief Information Officer, Office of Information Technology, Executive Office for Immigration Review, 4825 Mark Center Drive, Suite 200, Alexandria, VA 22311.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1158(d)(4)(B), 1229(a)(1)(E)(ii), and 1229(b)(2); 8 CFR 1003.61-.66, 1240.10(a)(2), 1240.11(c)(1)(iii), 1240.32(a), 1240.48(a), and 1241.14 (g)(3)(i).

PURPOSE(S) OF THE SYSTEM:

The records are used to comply with the statutes and regulations requiring EOIR to provide a List of Pro Bono Legal Service Providers (List) to individuals in immigration proceedings. The records are used by EOIR to administer the application and renewal process for organizations, attorneys, and representatives to be included on the List; to generate, maintain, and update the List quarterly; to publicly disseminate the List; and to evaluate the impact of the Pro Bono List Program on EOIR's mission and operations and on

the public. EOIR distributes copies of the List to its immigration courts and to DHS and posts the List on its public-facing website, available at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system includes information pertaining to licensed attorneys, non-profit organizations, accredited representatives employed by recognized organizations, and pro bono referral services who are applying to be included on the List, who are on the list, or who have been removed from the List, as well as individuals in immigration removal proceedings who received pro bono legal services as reported by the attorneys, representatives, organizations, and referral services on the List in accordance with 8 CFR 1003.61 *et seq.* The system also includes information pertaining to members of the public who submit comments or complaints about applicants or listed providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include the quarterly Lists, application packages, and application files. Application packages include initial and renewal applications from those organizations and individuals who are applying to be included on the List, or who are on the List, or who have been removed from the List. Application packages consist of the following types of records and collections of information: Form EOIR-56, Request to be Included on the List of Pro Bono Legal Service Providers for Individuals in Immigration Proceedings (OMB No. 1125-0015), or documentation functionally equivalent to the Form EOIR-56; names; EOIR ID numbers; contact information; pro bono service areas; specialties or restrictions on services provided; declarations regarding an applicant's or provider's List eligibility; alien registration numbers and dates and hours of service provided for clients in immigration proceedings as reported by the applicant or provider in accordance with 8 CFR 1003.61 *et seq.* The records in this system also include application files, which include the application package and the following records: correspondence between EOIR and applicants or providers; written determinations and notices from EOIR approving or denying applications to be on the List or removing providers from the List, and any written responses from an applicant or provider about such determinations; and comments and complaints received from members of

the public about applications, applicants, and providers.

RECORD SOURCE CATEGORIES:

Records and information in this system are generated or provided by applicants and providers, members of the public, and EOIR personnel.

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

In addition to those disclosures permitted under 5 U.S.C. 522a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed as a routine use pursuant to 5 U.S.C. 522a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected:

(1) To individuals in immigration proceedings in order to provide the individual with a list of persons and organizations, updated not less than quarterly, who have indicated their availability to represent individuals in immigration proceedings on a pro bono basis or who offer referral services to pro bono representatives;

(2) To members of the public for public awareness and in order to provide an opportunity to review copies of applications and forward comments or recommendations for approval or disapproval and to submit complaints about particular providers on the List;

(3) To contacts or clients listed on applications for the purpose of evaluating and verifying the applicant's or provider's data and claimed eligibility for initial or continued inclusion on the List;

(4) To the Department of Homeland Security (DHS) as necessary to comply with its statutory obligation to provide information about the availability of pro bono legal services for applicants seeking asylum and related relief.

(5) To Federal agencies involved in statistical analysis of data, and publication and/or reporting of aggregated or de-identified information designed to improve the efficiency and effectiveness of immigration proceedings at those agencies or to better meet EOIR's mission of adjudicating cases fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws.

(6) Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the

appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

(7) To any person or entity that EOIR has reason to believe possesses information regarding a matter within the jurisdiction of EOIR, to the extent deemed to be necessary by EOIR in order to elicit such information or cooperation from the recipient for use in the performance of an authorized activity.

(8) In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the Department determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(9) To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement, plea bargaining, or informal discovery proceedings.

(10) To the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(11) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

(12) To designated officers and employees of state, local, territorial, or tribal law enforcement or detention agencies in connection with the hiring or continued employment of an employee or contractor, where the employee or contractor would occupy or occupies a position of public trust as a law enforcement officer or detention officer having direct contact with the public or with prisoners or detainees, to the extent that the information is relevant and necessary to the recipient agency's decision.

(13) To appropriate officials and employees of a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail, or deployment of an employee; the

issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract, or the issuance of a grant or benefit.

(14) To a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(15) To Federal, state, local, territorial, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(16) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(17) To the National Archives and Records Administration (NARA) for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

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

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

(20) To any agency, organization, or individual, such as the Government Accountability Office, the Department's Office of the Inspector General, or the Office of Special Counsel, for the purpose of performing authorized audit or oversight operations of EOIR, including those related to fraud, waste, and abuse, and meeting related reporting requirements.

(21) To such recipients and under such circumstances and procedures as are mandated by federal statute, regulation, or treaty.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Physical records are maintained in hard-copy, paper format in secure filing cabinets, office spaces, and storage locations. Electronic records and data are stored in electronic media via a configuration of government servers and in accordance with Federal and Department information security standards. Information in this system is maintained in accordance with applicable laws, rules, and policies on protecting individual privacy and operating in a FedRAMP certified cloud-storage environment. Stored records are organized by applicant or provider name and immigration court location at which the provider has been approved to provide pro bono legal services.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

The records may be retrieved by the name of the applicant or provider, by the unique number assigned to the applicant or provider by the Pro Bono List Microsoft Dynamics System, or by the immigration court location(s) where the provider has been approved to provide pro bono legal services.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records in this system are subject to the Pro Bono Representative Files records schedule (DAA-0582-2016-0001). All records in this system are temporary records. The quarterly Lists are cutoff each quarter, maintained until the end of the calendar year, and destroyed 4 years thereafter (DAA-0582-2016-0001-0001). Application files are cutoff at the end of the calendar year in which the applicant or provider was removed from the list or in which the applicant was rejected or disapproved, transferred to inactive status one year after cutoff, and destroyed three years after the cutoff date (DAA-0582-2016-0001-0002 and -0003).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Information in this system is safeguarded in accordance with appropriate laws, rules, and policies, including automated systems security and access policies of EOIR and the Department. Access to information is limited to Department personnel who have an official need for access in order to perform their duties. Physical records are maintained in restricted areas of secured facilities. Electronic records are maintained and backed-up on secure servers and networks that may only be accessed by authorized personnel. Access to certain information may be restricted depending on a user's role and responsibility within the system. Internet connections are protected by multiple firewalls. Security personnel conduct periodic vulnerability scans using DOJ-approved software to ensure security compliance, and security logs are enabled for all computers to assist in troubleshooting and forensics analysis during incident investigations. Users of individual computers can only gain access to the data by authorized user identification and authentication processes. Records are safeguarded in accordance with appropriate laws, rules, and policies based on the classification and handling restrictions of the record.

RECORD ACCESS PROCEDURES:

Applicants and providers may access their own application packages and determinations in the Pro Bono List User Portal.

All other requests for access to records in this system must be made in writing and include a general description of the records sought and information about the subject of the record, including but not limited to, the record subject's full name, date of birth, place of birth, and alien registration number (A-number), where applicable. See 28 CFR 16.41; 28 CFR part 16 Appendix I. If the A-number is not known, or the case occurred before 1988, the date of an Order to Show Cause, country of origin, and location of the immigration hearing must be provided. See 28 CFR part 16 Appendix I.

All requests for access to records may be submitted by mail to the EOIR FOIA Service Center at 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041, by email at EOIR.FOIARequests@usdoj.gov, or online through the EOIR FOIA Public Access Link, available at <https://foia.eoir.justice.gov/app/Home.aspx>. Additional information for submitting requests to the FOIA Service Center can be found at <https://www.justice.gov/eoir/foia-submit-a-request>. The

envelope and letter or email subject should be clearly marked "Privacy Act Access Request." The request must describe the records sought in sufficient detail to enable Department personnel to locate them with a reasonable amount of effort. The request should include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury.

Although no specific form is required, you may obtain forms for this purpose from the FOIA/Privacy Act Mail Referral Unit, United States Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530, or on the Department of Justice website at <http://www.justice.gov/oip/oip-request-html>. See also Form EOIR-59, <https://www.justice.gov/eoir/page/file/1380121/download>.

More information regarding the Department's procedures for accessing records in accordance with the Privacy Act can be found at 28 CFR part 16 Subpart D, "Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974."

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend information maintained in this system of records must direct their requests to the address indicated in the "RECORD ACCESS PROCEDURES" paragraph above. All requests to contest or amend records must be in writing and the envelope, letter, or email subject should be clearly marked "Privacy Act Amendment Request." All requests must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record. More information regarding the Department's procedures for amending or contesting records in accordance with the Privacy Act can be found at 28 CFR 16.46, "Requests for Amendment or Correction of Records."

NOTIFICATION PROCEDURES:

Individuals may be notified if a record in this system of records pertains to them when the individual requests such information utilizing the same procedures as those identified in the "RECORD ACCESS PROCEDURES" paragraph, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

[FR Doc. 2025-23472 Filed 12-18-25; 8:45 am]

BILLING CODE 4410-30-P

DEPARTMENT OF LABOR**Employment and Training Administration****Federal-State Unemployment Compensation Program: Certifications for 2025 Under the Federal Unemployment Tax Act**

AGENCY: Employment and Training Administration

ACTION: Notice.

SUMMARY: The Secretary of Labor signed the annual certifications under the Federal Unemployment Tax Act, thereby enabling employers who make contributions to state unemployment funds to obtain certain credits against their liability for the federal unemployment tax. By letter, the certifications were transmitted to the Secretary of the Treasury. The letter and certifications are printed below.

Signed in Washington, DC, October 31, 2025.

Susan Frazier,

Acting Assistant Secretary for Employment and Training, Labor.

The Honorable Scott Bessent
Secretary of the Treasury
Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20220

Dear Secretary Bessent:

Transmitted herewith are an original and one copy of the certifications of the states and their unemployment compensation laws for the 12-month period ending on October 31, 2025. One certification is required with respect to the normal Federal unemployment tax credit by Section 3304 of the Internal Revenue Code of 1986 (IRC), and the other certification is required with respect to the additional tax credit by Section 3303 of the IRC. Both certifications list all states. Sincerely,

Lori Chavez-DeRemer
Enclosures

Certification of States to the Secretary of the Treasury Pursuant to Section 3304(c) of the Internal Revenue Code of 1986

In accordance with the provisions of Section 3304(c) of the Internal Revenue Code of 1986 (26 U.S.C. 3304(c)), I hereby certify the following named states to the Secretary of the Treasury for the 12-month period ending on October 31, 2025, in regard to the unemployment compensation laws of those states, which heretofore have been approved under the Federal Unemployment Tax Act:

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia

Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Puerto Rico
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Virgin Islands
Washington
West Virginia
Wisconsin
Wyoming

This certification is for the maximum normal credit allowable under Section 3302(a) of the Code.

Signed at Washington, DC, on October 31, 2025.

Lori Chavez-DeRemer

Certification of State Unemployment Compensation Laws to the Secretary of the Treasury Pursuant to Section 3303(b)(1) of the Internal Revenue Code of 1986

In accordance with the provisions of paragraph (1) of Section 3303(b) of the Internal Revenue Code of 1986 (26 U.S.C. 3303(b)(1)), I hereby certify the unemployment compensation laws of the following named states, which heretofore have been certified pursuant to paragraph (3) of Section 3303(b) of the Code, to the Secretary of the Treasury for the 12-month period ending on October 31, 2025:

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia

Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Puerto Rico
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Virgin Islands
Washington
West Virginia
Wisconsin
Wyoming

This certification is for the maximum additional credit allowable under Section 3302(b) of the Code, subject to the limitations of Section 3302(c) of the Code.

Signed at Washington, DC, on October 31, 2025.

Lori Chavez-DeRemer

[FR Doc. 2025–23405 Filed 12–18–25; 8:45 am]

BILLING CODE 4510–FW–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 25–049]

Name of Information Collection: Astronaut's System for Tracking and Requesting Appearances (ASTRA)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of reinstatement with change of a previously approved information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, under the

Paperwork Reduction Act, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: Comments are due by January 20, 2026.

ADDRESSES: Written comments and recommendations for this 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”.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, phone 256–714–8575, or email stayce.d.hoult@nasa.gov or hq-ocio-pra-program@mail.nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information supports the National Aeronautics and Space Act of 1958, as amended, to enable NASA astronaut appearances before a variety of groups to inform the general public about the U.S. space program. Typically, presentations are made to high schools and universities, community organizations, businesses and associations, or military organizations. In order to reach as many people as possible, NASA offers three options to choose from in requesting an astronaut appearance:

(1) An in-person astronaut appearance whereby the astronaut travels to the appearance location.

(2) A virtual appearance utilizing virtual telecommunications tools to connect an astronaut via video conference with your organization.

(3) A recorded greeting arranged in advance to be used during a specified event.

The NASA Astronaut Appearance Office (AAO) located at the Lyndon B. Johnson Space Center (JSC) in Houston, Texas is responsible for vetting, processing, and coordinating logistics for Astronaut appearances. This information will be used by the NASA AAO and Legal and Human Resources personnel in the vetting, coordinating, scheduling and authorization processes to work with requestors to facilitate the appearance logistics. Records of appearances, including the information associated with the requestor and points of contact, are maintained by the AAO for a minimum of five (5) years.

II. Methods of Collection

Electronic.

III. Data

Title: Astronaut's System for Tracking and Requesting Appearances (ASTRA).

OMB Number: 2700–0189.

Type of review: Reinstatement with Change of a Previously Approved Information Collection.

Affected Public: Individuals.

Estimated Annual Number of Activities: 1,600.

Estimated Number of Respondents per Activity: 1.

Annual Responses: 1,600.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 267 hours.

IV. Request for Comments

Comments are invited on: 1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; 2) the accuracy of NASA's estimate of the burden (including hours and cost) 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 automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Stayce Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2025–23463 Filed 12–18–25; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 25–048; NASA Docket Number: NASA–2025–0300]

Name of Information Collection: NASA STEM Gateway (Universal Registration and Data Management System)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection renewal.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, under the

Paperwork Reduction Act, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: Comments are due by February 17, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 60 days of publication of this notice at <http://www.regulations.gov> and search for NASA Docket [NASA–2025–0300].

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, phone 256–714–8575, or email hq-ocio-pra-program@mail.nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Based on continued user feedback provided during operations of the NASA STEM Gateway (Universal Registration and Data Management System) and increased utilization, NASA plans to develop updates/enhancements to improve information collected in compliance with policy guidance and the overall user experience in the NASA STEM Gateway. The NASA STEM Gateway (Universal Registration and Data Management System) is a comprehensive tool designed to allow learners (*i.e.*, students, educators, non-students or educators, and awardee principal investigators) to apply to NASA STEM engagement opportunities (*e.g.*, internships, fellowships, challenges, educator professional development, experiential learning activities, etc.) in a single location. NASA personnel manage the selection of applicants and implementation of engagement opportunities within the NASA STEM Gateway. The information collected will be used by the NASA Office of STEM Engagement (OSTEM) and other NASA offices to review applications for participation in NASA STEM engagement opportunities. The information is reviewed by OSTEM project and activity managers, as well as NASA mentors who would be hosting students. This information collection will consist of profile information (*e.g.*, name, contact information, citizenship, education or affiliate organization, etc.) and the NASA STEM Engagement opportunity application information. In addition to supporting applicant review and participant selection, individual

learner profile data will enable NASA OSTEM to fulfill federally mandated reporting on its STEM engagement activities and report relevant participant information as needed for Agency performance goals and success criteria (annual performance indicators).

II. Methods of Collection

The NASA STEM Gateway (NSG) is an online/web-based tool built on a Salesforce platform.

III. Data

Title: NASA STEM Gateway (Universal Registration and Data Management System).

OMB Number: 2700–0180.

Type of review: Renewal of a previously approved information collection.

Affected Public: Individuals. Eligible students or educators, and/or awardee principal investigators may voluntarily apply for an internship or fellowship experience at a NASA facility, or register for a STEM engagement opportunity (*e.g.*, challenges, educator professional development, experiential learning activities, etc.). Parents/caregivers of eligible student applicants (at least 14 years of age but under the age of 18) may voluntarily provide consent for their eligible student applicants to apply.

Estimated Annual Number of Activities: 50.

Estimated Number of Respondents per Activity: 6,300.

Annual Responses: 315,000 responses.

Estimated Time per Response: 30 minutes (avg).

Estimated Total Annual Burden Hours: 157,500 hours.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) 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 automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection.

They will also become a matter of public record.

Stayce Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2025–23411 Filed 12–18–25; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Privacy Act of 1974; System of Records

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of a modified system of records.

SUMMARY: This notice informs the public of the National Credit Union Administration's (NCUA's) proposal to modify system of records notice NCUA–19. This system of records serves as the core financial and acquisition system and integrates NCUA's program, financial, and budgetary information.

DATES: Submit comments on or before January 20, 2026. This modification will be effective immediately, and new routine uses will be effective on January 20, 2026.

ADDRESSES: You may submit comments by any of the following methods, but please send comments by one method only:

- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

- *Email:* Comments may be sent to Privacy@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Chief Financial Officer, Office of the Chief Financial Officer, NCUA, 1775 Duke Street, Alexandria, VA 22314 or Jennifer Harrison, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314 or by phone at (703) 518–6540.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974, the NCUA proposes modifying NCUA–19 to provide new routine uses in accordance with Office of Management and Budget (OMB) Memorandums M–17–12 and M–25–32 and to update the format in accordance with OMB Circular A–108.

Additionally, the NCUA is making substantive changes to the following sections of the system of records notice:

1. NCUA has updated the Routine Uses of Records Maintained in the System to include four new routine uses and to include a full list of relevant

routine uses and remove references to “standard routine uses”; Routine Use 16 allows for the sharing for the purpose of collecting or assisting in the collection of delinquent debts and Routine Uses 1, 14, and 15 are being published in accordance with M–17–12 and M–25–32.

2. NCUA has updated Policies and Practices for Storage of Records to reflect updated storage processes.

3. NCUA has updated Administrative, Technical, and Physical Safeguards to accurately reflect how these records are protected.

4. NCUA has updated Record Access, Contesting Record, and Notification Procedures to accurately reflect the NCUA procedures as detailed in 12 CFR 792.55.

The NCUA is making non-substantive modifications to the following sections of the system of records notice: Security Classification, System Location, Authority for Maintenance of the System, Purpose(s) of the System, Categories of Individuals Covered by the System, Categories of Records in the System, Record Source Categories, Policies and Practices for Retrieval of Records, Policies and Practices for Retention and Disposal of Records, and History.

Non-substantive modifications have also been made to ensure that the format of NCUA–19 aligns with the guidance set forth in Office of Management and Budget Circular A–108.

By the National Credit Union Administration Board on December 16, 2025.

Melane Conyers-Ausbrooks,
Secretary of the Board.

SYSTEM NAME AND NUMBER:

NCUA Financial and Acquisition Management System, NCUA–19.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

(1) Enterprise Services Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 and (2) Office of the Chief Financial Officer (OCFO), National Credit Union Administration (NCUA), 1775 Duke Street, Alexandria, VA 22314.

SYSTEM MANAGER(S):

Chief Financial Officer, Office of the Chief Financial Officer, NCUA, 1775 Duke Street, Alexandria, VA 22314.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1751, *et seq.*; 31 U.S.C. 3501, *et seq.*; and 31 U.S.C. 7701(c). Where the employee identification number is the Social Security number,

collection of this information is authorized by Executive Order 9397.

PURPOSE(S) OF THE SYSTEM:

This system serves as the core financial and acquisition system and integrates program, financial, and budgetary information. Records are collected to ensure that all obligations and expenditures are in conformance with laws, existing rules and regulations, and good business practices, and to maintain subsidiary records at the proper account and/or organizational level where responsibility for control of costs exists.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records includes information about individuals who may be current and former NCUA employees and interns; current and former contractors, suppliers or vendors; and current and former customers.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records includes (1) individual NCUA employees' names, addresses, and Social Security numbers (SSNs); (2) individual contractors, vendors, customers, individual names of companies, points of contact, telephone numbers, mailing addresses, email addresses, contract numbers, vendor numbers including Data Universal Numbering System (DUNS) and Tax Identification Number (TIN) numbers, which can be an SSN in the case of individuals set up as sole proprietors and; (3) financial information includes an individual's financial institution name, lockbox number, routing transit number, deposit account number, account type, debts (e.g., unpaid bills/invoices, overpayments, etc.), and remittance addresses.

RECORD SOURCE CATEGORIES:

The sources of records for this system are the individual upon whom the record is maintained; other government agencies; contractors, vendors; or from another NCUA office maintaining the records in the performance of their duties. Information maintained in Department of Transportation, (DOT)/Enterprise Service Center (ESC) systems includes purchase orders, contracts, vouchers, invoices, contracts, disbursements, receipts/collections, *Pay.Gov* transactions, and related records; U.S. General Services Administration (GSA) Federal personnel payroll system (for payroll disbursement postings); Concur (for travel disbursements); JPMorgan Chase (for charge card payments); travel advance applications; other records submitted by individuals, employees, and vendors.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside NCUA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

2. Records may be shared with a vendor that NCUA is doing business with if a dispute about payments or amounts due arises. In such a situation, only the minimum amount of information needed to resolve the dispute will be shared with the vendor.

3. If a record in this system of records indicates a violation or potential violation of civil or criminal law or a regulation, and whether arising by general statute or particular program statute, or by regulation, rule, or order, the relevant records in the system or records may be disclosed as a routine use to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

4. A record from this system of records may be disclosed as a routine use to a federal, state, or local agency which maintains civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

5. A record from this system of records may be disclosed as a routine use to a federal agency, in response to its request, for a matter concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other

benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

6. A record from this system of records may be disclosed as a routine use to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. Further, a record from this system of records may be disclosed as a routine use to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

7. A record from this system of records may be disclosed as a routine use to officers and employees of a federal agency for purposes of audit or oversight operations related to this system of records, but only such records as are necessary and relevant to the audit or oversight activity.

8. A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

9. A record from this system of records may be disclosed as a routine use to the officers and employees of the General Services Administration (GSA) in connection with administrative services provided to this Agency under agreement with GSA.

10. Records in this system of records may be disclosed as a routine use to the Department of Justice, when: (a) NCUA, or any of its components or employees acting in their official capacities, is a party to litigation; or (b) Any employee of NCUA in his or her individual capacity is a party to litigation and where the Department of Justice has agreed to represent the employee; or (c) The United States is a party in litigation, where NCUA determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and NCUA determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, NCUA determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

11. Records in this system of records may be disclosed as a routine use in a

proceeding before a court or adjudicative body before which NCUA is authorized to appear (a) when NCUA or any of its components or employees are acting in their official capacities; (b) where NCUA or any employee of NCUA in his or her individual capacity has agreed to represent the employee; or (c) where NCUA determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and NCUA determines that use of such records is relevant and necessary to the litigation, provided, however, NCUA determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

12. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for the NCUA when necessary to accomplish an agency function or administer an employee benefit program.

13. A record from this system of records may be shared with the Office of Management and Budget (OMB) in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

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

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

16. To the Department of the Treasury, federal debt collection centers, other appropriate federal agencies, and private collection contractors or other third parties authorized by law, for the purpose of collecting or assisting in the collection of delinquent debts owed to NCUA.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and/or electronic form. Paper records are stored in locked file rooms and/or file cabinets. Electronic records and backups are stored on secure servers, approved by NCUA's Office of the Chief Information Officer, within a FedRAMP-authorized commercial Cloud Service Provider's Software-as-a-Service solution hosting environment and accessed only by authorized personnel.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by an employee's name; vendor or contractor name; employee ID; Social Security number (SSN); SSN/Tax Identification Number (TIN) for contractors and vendors doing business with the NCUA; supplier number (system unique) for both employees and vendors; DUNS and DUNS with the last four numbers of an SSN.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with the General Records Retention Schedules issued by the National Archives and Records Administration (NARA).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

NCUA has implemented the appropriate administrative, technical, and physical controls in accordance with the Federal Information Security Modernization Act of 2014, Public Law 113–283, S. 2521, and NCUA's information security policies to protect the confidentiality, integrity, and availability of the information system and the information contained therein. Access is limited only to individuals authorized through NIST-compliant Identity, Credential, and Access Management policies and procedures. The records are maintained behind a layered defensive posture consistent with all applicable Federal laws and regulations, including Office of Management and Budget Circular A–130 and NIST Special Publication 800–37. Paper records are maintained in locked file rooms and/or file cabinets accessible only by authorized personnel.

RECORD ACCESS PROCEDURES:

Individuals wishing access to their records should submit a written request to the Senior Agency Official for Privacy, NCUA, 1775 Duke Street, Alexandria, VA 22314 or submit a request through email to privacy@ncua.gov. The following information must be provided: (1) Full name; (2) Any available information regarding the type of record involved; (3) The address to which the record information should be sent; and (4) Verification of identity. Individuals requesting access must comply with NCUA's Privacy Act regulations regarding verification of identity and access to records (12 CFR 792.55).

CONTESTING RECORD PROCEDURES:

Individuals wishing to request an amendment to their records should submit a written request to the Senior Agency Official for Privacy, NCUA, 1775 Duke Street, Alexandria, VA 22314 or submit a request through email to privacy@ncua.gov. The following information must be provided: (1) Full name; (2) Any available information regarding the type of record involved; (3) The address to which the record information should be sent; and (4) Verification of identity. Individuals must comply with NCUA's Privacy Act regulations regarding verification of identity and access to records (12 CFR 792.55).

NOTIFICATION PROCEDURES:

Individuals requesting access must also comply with NCUA's Privacy Act regulations regarding verification of identity and access to records (12 CFR 792.55). An individual may inquire as to whether the system contains information pertaining to the individual by submitting a written request to the Senior Agency Official for Privacy, NCUA, 1775 Duke Street, Alexandria, VA 22314 or submitting a request through email to privacy@ncua.gov. The following information must be provided: (1) Full name; (2) Any available information regarding the type of record involved; (3) The address to which the record information should be sent; and (4) Verification of identity. Individuals must comply with NCUA's Privacy Act regulations regarding verification of identity and access to records (12 CFR 792.55). If there is no information on the individual, the individual will be so advised.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

81 FR 83281 (November 21, 2016).

[FR Doc. 2025–23364 Filed 12–18–25; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–9075; NRC–2024–0129]

Powertech USA, Inc.; Dewey-Burdock In Situ Uranium Recovery Project; Draft Programmatic Agreement

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft Programmatic Agreement (PA), “Draft Programmatic Agreement Between the U.S. Nuclear Regulatory Commission, U.S. Bureau of Land Management, U.S. Environmental Protection Agency, South Dakota State Historic Preservation Office, and Powertech USA, Inc. Regarding the Dewey-Burdock In Situ Uranium Recovery Project in Custer and Fall River Counties, South Dakota,” regarding Powertech USA, Inc.’s request to renew Source and Byproduct Materials License No. SUA–1600 for the Dewey-Burdock in situ uranium recovery (ISR) project in Custer and Fall River counties, South Dakota. The NRC staff is pursuing execution of a PA pursuant to satisfy its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

DATES: Submit comments by January 20, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0129. Address questions about Docket IDs in [Regulations.gov](https://www.regulations.gov) to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–

0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Diana Diaz-Toro, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0930; email: *Diana.Diaz-Toro@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2024-0129 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0129.

- *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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2024-0129 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission.

The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

The NRC is issuing for public comment a draft PA between the NRC, U.S. Bureau of Land Management (BLM), U.S. Environmental Protection Agency (EPA), South Dakota State Historic Preservation Office (SD SHPO), and Powertech. The NRC staff is pursuing execution of a PA pursuant to paragraph 800.4(b)(2) of title 36 of the *Code of Federal Regulations* (36 CFR) to satisfy its obligations under Section 106 of the NHPA for Powertech’s license renewal request for the Dewey-Burdock ISR. The Dewey-Burdock ISR project is located in Custer and Fall River counties, South Dakota, and has not been constructed.

On March 4, 2024, Powertech, which is the United States-based wholly owned subsidiary of enCore Energy Corp., submitted a license renewal application to the NRC for the Dewey-Burdock ISR project in accordance with part 40 of title 10 of the *Code of Federal Regulations*, “Domestic Licensing of Source Material.” Powertech requested renewal of its NRC license for a 20-year term. On March 31, 2025, Powertech updated its license renewal application. Powertech proposes to recover uranium using the ISR method where a liquid solution is injected into the ore body to mobilize uranium, which is then pumped to the surface and processed to produce yellowcake. The Dewey-Burdock ISR project would consist of processing facilities and sequentially-developed wellfields sited in two contiguous areas, the Burdock area and the Dewey area.

On August 9, 2024, the NRC issued a notice for an opportunity to request a hearing and to petition for leave to intervene (89 FR 65401) for Powertech’s request to renew source and byproduct materials license SUA-1600.

III. Discussion

The NRC staff has determined a phased process for compliance with Section 106 of the NHPA is appropriate for this undertaking, as specifically permitted under 36 CFR 800.4(b)(2), Section 106 implementing regulations. Pursuant to 36 CFR 800.8, the NRC is coordinating its Section 106 process with its review under the National Environmental Policy Act of 1969, as amended.

In accordance with 36 CFR 800.2(c)(1)(i), the NRC staff initiated its Section 106 consultation with the SD SHPO for this undertaking, including preparation of this PA, via letter dated January 24, 2025.

In response to NRC staff’s letter dated January 24, 2025, the BLM designated the NRC as the lead agency for compliance with requirements of Section 106 of the NHPA regarding the Dewey-Burdock ISR project pursuant to 36 CFR 800.2(a)(2). The NRC staff also invited the EPA to participate in the Section 106 process for this undertaking, and on November 14, 2025, the EPA designated the NRC as the lead agency for compliance with requirements of Section 106 of the NHPA pursuant to 36 CFR 800.2(a)(2). On January 24, 2025, the NRC staff notified the Advisory Council on Historic Preservation (ACHP) of the undertaking and invited the ACHP to participate in NHPA Section 106 consultation. By letter dated October 14, 2025, the ACHP notified the NRC that Appendix A of the Section 106 implementing regulations, “Criteria for Council Involvement in Reviewing Individual Section 106 Cases,” implementing regulations at 36 CFR part 800, does not apply to the undertaking and, therefore, its participation in the consultation to resolve adverse effects is not necessary. By letters dated January 24, 2025, the NRC invited 25 federally recognized Indian Tribes who may ascribe religious and cultural significance to historic properties that may be affected by the undertaking to participate in the Section 106 consultation and preparation of this PA. The NRC staff also invited Powertech, in accordance with 36 CFR 800.2(c)(4), via letter dated January 24, 2025. Additionally, in response to the NDN Collective’s request dated March 14, 2025, the NRC invited the NDN Collective to participate as a consulting party in the Section 106 process for the undertaking.

The NRC staff continued its efforts to engage in consultation with Tribes by sending emails and holding meetings to gather information related to

identification efforts and coordinate meetings. On March 5 and 13, 2025, the NRC staff held closed government-to-government virtual tribal information meetings. The purpose of the meetings was to engage with and hear from Tribal representatives invited to participate in and consult on the Section 106 process. On May 2, 2025, the NRC staff invited the Tribes to participate in a visit to the Dewey-Burdock ISR site. On June 11, 2025, the NRC staff held a Tribal site visit as part of its ongoing Section 106 consultation. The purpose of the Tribal site visit was to provide federally-recognized Tribes (i) an overview of the site and proposed ISR facilities, (ii) an overview of the area of potential effects, (iii) an overview of the areas where cultural resources have been identified

in relation to potential surface disturbances, and (iv) answer questions from and gather information from Tribes about sites of religious and cultural significance to them and potential effects on these from the undertaking.

By letter dated September 30, 2025, the NRC staff transmitted the draft PA, developed in accordance with 36 CFR 800.14(b)(3), to the Tribes, BLM, EPA, ACHP, SD SHPO, and Powertech for review and comment. In the letter, the NRC staff also proposed coordinating a Tribal Cultural Resource Survey to be conducted after execution of the new PA using the draft survey methodology included as Appendix D of the draft PA. The NRC staff also requested comments on the draft tribal survey methodology. On November 19, 2025, the NRC staff

transmitted the draft PA and draft tribal survey methodology to NDN Collective for review and comment.

The NRC staff has updated the draft PA and draft tribal survey methodology based on the comments received. The NRC is requesting public comment on the updated draft PA. The NRC will consider these comments before finalizing the PA. The draft PA is available in ADAMS under Accession Nos. ML25346A149, ML25346A151, and ML25346A150.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document description	ADAMS Accession No.
Powertech's updated license renewal application for the Dewey-Burdock uranium recovery facility in Custer and Fall River counties, South Dakota, dated March 31, 2025.	ML25091A216 (package).
NRC Letter to SD SHPO initiating the NHPA Section 106 Process, dated January 24, 2025	ML24291A051.
NRC Letter to BLM initiating the NHPA Section 106 Process, dated January 24, 2025	ML24291A050.
NRC Letter to EPA initiating the NHPA Section 106 Process, dated January 24, 2025	ML24291A056.
NRC Letter to ACHP initiating the NHPA Section 106 Process, dated January 24, 2025	ML24291A049.
NRC Letter to Powertech initiating the NHPA Section 106 Process, dated January 24, 2025	ML24291A094.
NRC Letters to Consulting Tribes initiating the NHPA Section 106 Process, dated January 24, 2025	ML24290A178 (package).
NRC Letter to NDN Collective initiating the NHPA Section 106 Process, dated March 14, 2025	ML25067A003.
BLM Letter to NRC Designating NRC as Lead Agency for the Section 106 Process, dated March 7, 2025	ML25071A049.
NRC Summary of March 2025 Virtual Tribal Information Meetings, dated March 24, 2025	ML25077A115 (package).
NRC Summary of June 11, 2025, Tribal Site Visit, dated August 1, 2025	ML25213A145.
NRC Letters to Consulting Tribes transmitting the Draft Section 106 Programmatic Agreement, dated September 30, 2025.	ML25273A335 (package).
NRC Letters to BLM, EPA, ACHP, SD SHPO, and Powertech transmitting the Draft Section 106 Programmatic Agreement, dated September 30, 2025.	ML25273A367 (package).
ACHP Letter to NRC regarding Participation in the Section 106 Process, dated October 14, 2025	ML25335A035.
EPA Letter to NRC Designating NRC as Lead Agency for the Section 106 Process, dated November 14, 2025	ML25335A023.
NRC Letter to NDN Collective transmitting the Draft Section 106 Programmatic Agreement, dated November 19, 2025.	ML25318A141 (package).
Updated Draft Section 106 Programmatic Agreement for the Powertech License Renewal Application for the Dewey-Burdock Project.	ML25346A149.
Updated Draft Section 106 Programmatic Agreement Appendices for the Powertech License Renewal Application for the Dewey-Burdock Project.	ML25346A151.
Appendix D—Updated Draft Tribal Cultural Resource Survey Methodology for the Powertech License Renewal Application for the Dewey-Burdock Project.	ML25346A150.

Dated: December 17, 2025.

For the Nuclear Regulatory Commission.

Theodore Smith,

Acting Chief, Environmental Technical Review Branch 1, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 2025-23415 Filed 12-18-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2025-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of December 22 and 29, 2025 and January 5, 12, 19, and 26, 2026. The schedule for Commission

meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please contact the Reasonable Accommodations Resource by email at ReasonableAccommodations.Resource@nrc.gov. Determinations on requests for

reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of December 22, 2025

There are no meetings scheduled for the week of December 22, 2025.

Week of December 29, 2025—Tentative

There are no meetings scheduled for the week of December 29, 2025.

Week of January 5, 2026—Tentative

There are no meetings scheduled for the week of January 5, 2026.

Week of January 12, 2026—Tentative

There are no meetings scheduled for the week of January 12, 2026.

Week of January 19, 2026—Tentative

There are no meetings scheduled for the week of January 19, 2026.

Week of January 26, 2026—Tentative

There are no meetings scheduled for the week of January 26, 2026.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Wesley Held at 301-287-3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: December 17, 2025.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2025-23438 Filed 12-17-25; 11:15 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461; NRC-2024-0046]

Constellation Energy Generation, LLC; Clinton Power Station, Unit 1; License Renewal and Record of Decision

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Renewed Facility Operating License No. NPF-62 to Constellation Energy Generation, LLC (Constellation or the licensee) for Clinton Power Station, Unit 1 (Clinton). In addition, the NRC has prepared a record of decision (ROD) that supports the NRC's decision to issue Renewed Facility Operating License No. NPF-62.

DATES: Renewed Facility Operating License No. NPF-62 was issued on December 16, 2025.

ADDRESSES: Please refer to Docket ID NRC-2024-0046 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-2024-0046. 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(s) 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:

Vaughn Thomas, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5897; email: Vaughn.Thomas@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Discussion**

Notice is hereby given that the NRC has issued Renewed Facility Operating License No. NPF-62 to Constellation for Clinton. Constellation is the operator of the facility. Renewed Facility Operating License No. NPF-62 authorizes Constellation to operate Clinton at reactor core power levels not in excess of 3,473 megawatts thermal, in accordance with the provisions of the Clinton renewed facility operating license and the technical specifications. Notice is also given that the ROD that supports the NRC's decision to issue Renewed Facility Operating License No. NPF-62 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 63, "Generic

Environmental Impact Statement for License Renewal of Nuclear Plants Regarding License Renewal for Clinton Power Station, Unit 1, Final Report," dated August 2025, the final SEIS documents the NRC staff's environmental review, including the recommendation that the adverse environmental impacts of license renewal (LR) for Clinton are not so great that preserving the option of LR for energy-planning decisionmakers would be unreasonable. This recommendation is based on (1) the analysis and findings in the NRC's Generic Environmental Impact Statement for License Renewal of Nuclear Plants, (2) information provided in the environmental report submitted by Constellation, as supplemented, (3) the NRC staff's consultation with Federal, State, Tribal, and local agencies, (4) the NRC staff's independent environmental review, and (5) the NRC staff's consideration of public comments received during the scoping process and on the draft SEIS.

Clinton is a boiling water reactor located on Clinton Lake in DeWitt County, approximately 6 miles east of the city of Clinton in east-central Illinois. Constellation submitted its application for the renewed license, "Clinton Power Station, Unit 1 Application for Renewed Operating License," on February 14, 2024, as supplemented by letters through April 10, 2025 (see "Availability of Documents" section of this document). The NRC staff has determined that Constellation's application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. As required by the Act and NRC regulations in title 10 of the *Code of Federal Regulations* (10 CFR), the NRC has made appropriate findings, which are set forth in the renewed license.

A public notice of the NRC's acceptance for docketing of the LR application and an opportunity to request a hearing was published in the **Federal Register** on April 18, 2024 (89 FR 27805).

For further details with respect to this action, see: (1) Constellation's LR application for Clinton, dated February 14, 2024, as supplemented by letters through April 10, 2025; (2) the NRC's safety evaluation, dated August 2025; (3) the NRC's final SEIS, dated August 2025; and (4) the NRC's ROD, dated December 16, 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.
Clinton Power Station, Unit 1 Application for Renewed Operating License, dated February 14, 2024	ML24045A024.
Record of Decision, License Renewal Application, as Supplemented, for Clinton Power Station, Unit No. 1, dated December 16, 2025.	ML25246C224.
Safety Evaluation Report Related to the License Renewal of Clinton Power Station, Unit 1, dated August 2025	ML25238A215.
NUREG-1437, Supplement 63, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding License Renewal for Clinton Power Station, Unit 1, Final Report," dated August 2025.	ML25212A224.
NUREG-1437, Revision 2, Volumes 1, 2, and 3, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, dated August 2024.	ML24087A133 (Package).
Clinton Power Station, Unit 1, License Renewal Application—Supplement 1, dated November 27, 2024	ML24332A050 (Package).
Clinton Power Station, Unit 1, License Renewal Application—Supplement 2, dated December 20, 2024	ML24355A050.
Clinton Power Station, Unit 1, License Renewal Application—Supplement 3, dated January 30, 2025	ML25030A182.
Clinton Power Station, Unit 1, License Renewal Application—Supplement 4, dated March 25, 2025	ML25084A044.
Clinton Power Station, Unit 1, License Renewal Application—Supplement 5, dated April 10, 2025	ML25100A083.
Clinton Power Station, Unit 1, License Renewal Application—Response to Requests for Additional Information Set 1, dated January 30, 2025.	ML25030A189 (Package).
Clinton Power Station, Unit 1, License Renewal Application—Response to Requests for Additional Information Set 1 (RAI 4.3.2–3), dated February 19, 2025.	ML25050A041.

Dated: December 17, 2025.

For the Nuclear Regulatory Commission.

Michele Sampson,

Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–23462 Filed 12–18–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–596; K2025–680; K2025–825; MC2026–136 and K2026–136]

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 23, 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:

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- I. Introduction
- II. Public Proceeding(s)

III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment

deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).*: CP2024–596; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 275, with Materials Filed Under Seal; *Filing Acceptance Date:* December 15, 2025; *Filing*

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).

Authority: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Almaroof Agoro; *Comments Due:* December 23, 2025.

2. *Docket No(s):* K2025–680; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 939, with Materials Filed Under Seal; *Filing Acceptance Date:* December 15, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Almaroof Agoro; *Comments Due:* December 23, 2025.

3. *Docket No(s):* K2025–825; *Filing Title:* Request of United States Postal Service Concerning Modification to Inbound Competitive Multi-Service Agreement with Foreign Postal Operator—FY25–3; *Filing Acceptance Date:* December 15, 2025; *Filing Authority:* 39 CFR 3041.505; *Public Representative:* Katalin Clendenin; *Comments Due:* December 23, 2025.

4. *Docket No(s):* MC2026–136 and K2026–136; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1469 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 15, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* December 23, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025–23392 Filed 12–18–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104394; File No. SR–ISE–2025–40]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt ISE Options 9, Section 25 To Codify an Options Unbundling Rule

December 16, 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 11, 2025, Nasdaq ISE, LLC (“ISE” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt ISE Options 9, Section 25 to codify the Exchange’s longstanding guidance that the unbundling of orders for any purpose other than best execution is considered conduct inconsistent with just and equitable principles of trade.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/ise/rulefilings>, and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend ISE Options 9 by adding a new Section 25 to codify its longstanding guidance that it shall be considered conduct inconsistent with just and equitable principles of trade for any member, member organization, or person associated with or employed by a member or member organization (collectively, “member” or “members”) to split an order into multiple smaller orders for any purpose other than seeking the best execution of the entire order.³ Members of the Exchange are not

allowed to engage in conduct inconsistent with just and equitable principles of trade.⁴

“Unbundling,” also known as “trade shredding,” is the practice of breaking up an order into multiple smaller orders for some purpose other than the best execution of the order. The practice of unbundling has in the past been used for purposes such as improperly maximizing commissions and fees charged to customers, distorting trade data, or circumventing rules pertaining to maximum order size.⁵

The Exchange believes that the unbundling of orders generally serves no purpose to the customer that entered the order and may cause unnecessary delays in the execution of that order. This belief has been reflected in the Exchange’s longstanding regulatory guidance to its members.⁶

The impermissibility of unbundling is a well-established principle across the U.S. securities markets. Other options exchanges have anti-unbundling rules or rule interpretations that are similar to the rule being adopted by the Exchange.⁷ Additionally, other exchanges have also issued regulatory guidance to their members warning them against the practice of unbundling.⁸ Finally, the Financial

Section 25 to the GEMX and MRX rulebooks as GEMX Options 9, Section 25 and MRX Options 9, Section 25, respectively.

⁴ See ISE General 9, Section 1 (“No Member shall engage in acts or practices inconsistent with just and equitable principles of trade. Persons associated with Members shall have the same duties and obligations as Members under the Rules of this Options 9.”).

⁵ See, e.g., Securities Exchange Act Release No. 62667 (Aug. 9, 2010), 75 FR 50013 (Aug. 16, 2010) (File No. SR–NYSEAmex–2010–77) (Self-Regulatory Organizations; NYSE Amex, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 995NY).

⁶ See Options Regulatory Alert #2025–34 (Aug. 29, 2025), available at <https://www.nasdaqtrader.com/MicroNews.aspx?id=ORA2025-34>; Options Regulatory Alert #2016–6 (Feb. 17, 2016), available at <https://www.nasdaqtrader.com/MicroNews.aspx?id=ORA2016-6>; and Options Regulatory Alert #2016–4 (Jan. 22, 2016), available at <https://www.nasdaqtrader.com/MicroNews.aspx?id=ORA2016-4>.

⁷ See, e.g., NYSE American Rule 995NY(d) (“It shall be considered conduct inconsistent with just and equitable principles of trade for an ATP Holder to split an order into multiple smaller orders for any purpose other than seeking the best execution of the entire order.”), NYSE Arca Rule 11.2(g) (“An ETP Holder may not split any order into multiple orders for any purpose other than seeking the best execution of the entire order.”), and MIAX Chapter III, Rule 301, Interpretation .03 (“It shall be considered conduct inconsistent with just and equitable principles of trade and a violation of Rule 301 for a Member to split an order into multiple smaller orders for any purpose other than seeking the best execution of the entire order.”).

⁸ See, e.g., Cboe Regulatory Circular RG–15–011 (Sept. 23, 2015) (“Please note that unbundling of orders greater than 5 contracts into 1 to 5 lot

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Nasdaq GEMX, LLC (“GEMX”) Options 9 and Nasdaq MRX, LLC (“MRX”) Options 9 incorporate ISE Options 9 by reference. Therefore, the proposed rule change also adds the new ISE Options 9,

Industry Regulatory Authority (“FINRA”) also has its own anti-unbundling rule, FINRA Rule 5290, which specifies, in part, that “[n]o member . . . shall engage in conduct that has the intent or effect of splitting any order into multiple smaller orders for execution or any execution into multiple smaller executions for the primary purpose of maximizing a monetary or in-kind amount to be received by the member . . . as a result of the execution of such orders or the transaction reporting of such executions.”

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁰ in particular, in that it is 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, by deterring and helping to prevent the distortive practice of unbundling.

The Exchange believes that the unbundling of orders generally serves no purpose to the customer that entered the order and may cause unnecessary delays in the execution of that order. Codifying its longstanding guidance in its rulebook that unbundling is conduct inconsistent with just and equitable principles of trade is thus designed to promote just and equitable principles of trade. Additionally, by defining unbundling as the practice of splitting an order into multiple smaller orders for any purpose other than seeking the best execution of the entire order, the proposal is designed to promote best execution and thus protect investors and the public interest.

Additionally, the Exchange reiterates that the proposed rule is substantively identical to NYSE American Rule 995NY(d) and it is consistent with the rules and regulatory guidance of other exchanges, as well as FINRA Rule 5290.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not

necessary or appropriate in furtherance of the purposes of the Act. In terms of intra-market competition, the Exchange notes that the proposed rule will apply equally to all members of the Exchange. Additionally, in terms of intermarket competition, the Exchange notes that the proposed rule is consistent with the rules of other exchanges, as well as the rules of FINRA.

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

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 Act¹¹ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹²

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-ISE-2025-40 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-ISE-2025-40. 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-ISE-2025-40 and should be submitted on or before January 9, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-23330 Filed 12-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35827; File No. 812-15831]

NB Private Markets Access Fund LLC, et al.

December 16, 2025.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the “Act”) and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (“BDCs”) and closed-end management

increments for the purpose of achieving small order preference in favor of any [Designated Primary Market-Maker] or [Lead Market-Maker] may be a violation of CBOE Rule 4.1, Just and Equitable Principles of Trade”), available at <https://cdn.cboe.com/resources/regulation/circulars/regulatory/RG15-130.pdf>.

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

¹¹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹² 17 CFR 240.19b-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 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.

¹³ 17 CFR 200.30-3(a)(12).

investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: NB Private Markets Access Fund LLC, NB Crossroads Private Markets Fund IV Holdings LLC, NB Crossroads Private Markets Fund V Holdings LP, NB Crossroads Private Markets Fund VI Holdings LP, NB Crossroads Private Markets Fund VII Holdings LP, NB Asset-Based Credit Fund, NB Alternatives Advisers LLC, Neuberger Berman Investment Advisers LLC, and certain of their affiliated entities as described in Schedule A to the application.

FILING DATES: The application was filed on June 13, 2025, and amended on October 10, 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 Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on January 12, 2026, and should be accompanied by proof of service on the Applicants, 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 who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at Secretarys-Office@sec.gov.

ADDRESSES: The Commission: Secretarys-Office@sec.gov. Applicants: Corey Issing, Neuberger Berman Investment Advisers LLC, Corey.Issing@nb.com; and Kirkland & Ellis LLP, Nicole M. Runyan, P.C., nicole.runyan@kirkland.com, Kim E. Kaufman, Esq., kim.kaufman@kirkland.com and Lisa Nosal, Esq., lisa.nosal@kirkland.com.

FOR FURTHER INFORMATION CONTACT:

Adam Large, Senior Special Counsel or Laura Solomon, Senior Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended application, filed October 10, 2025, which may be

obtained via the Commission's website by searching for the file number at the top of this document, or for an 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/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. 2025–23396 Filed 12–18–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104414; File No. SR–NASDAQ–2025–085]

Self-Regulatory Organizations; Nasdaq Stock Market LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the iShares Bitcoin Premium Income ETF Under Nasdaq Rule 5711(d) (Commodity Based Trust Shares)

December 16, 2025.

I. Introduction

On September 30, 2025, The Nasdaq Stock Market LLC (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change to list and trade shares (“Shares”) of the iShares Bitcoin Premium Income ETF (“Trust”) under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares). The proposed rule change was published for comment in the **Federal Register** on October 2, 2025.³

On November 3, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ This order

institutes proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.

II. Summary of the Proposal

As described in more detail in the Notice,⁷ the Exchange proposes to list and trade the Shares of the Trust under Nasdaq Rule 5711(d), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.

According to the Exchange, the investment objective of the Trust is to reflect generally the performance of the price of bitcoin while providing income by writing (selling) call options primarily on iShares Bitcoin Trust ETF (“IBIT”) or indices that track spot exchange-traded products (“ETPs”).⁸ The Trust will be actively-managed and will invest primarily in spot bitcoin and IBIT, will hold cash, and will write options on IBIT or indices tracking spot bitcoin ETPs.⁹ Such options may consist of U.S. exchange-listed options, flexible exchange options, or over-the-counter (“OTC”) options.¹⁰ The Exchange states that it is submitting this proposal because the Trust will be actively managed and may hold OTC options that are not listed and traded on an Intermarket Surveillance Group market; however, it will meet all of the other requirements under the generic listing standards for Commodity-Based Trust Shares set forth in Nasdaq Rule 5711(d).¹¹

date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Notice, *supra* note 3.

⁸ See *id.* at 47847. The sponsor of the Trust is iShares Delaware Trust Sponsor LLC, an indirect subsidiary of BlackRock, Inc. (“Sponsor”). The Trust will operate pursuant to a trust agreement between the Sponsor, a third party as the trustee of the Trust, and Wilmington Trust, National Association, as Delaware trustee. A third party will be responsible for the custody of the Trust's bitcoin. See *id.*

⁹ See *id.* at 47847–48.

¹⁰ See *id.* at 47848. The Exchange states that the Trust is not an investment company registered under the Investment Company Act of 1940, as amended, and, in accordance therewith, will not own or acquire securities in excess of 40% of the value of the Trust's total assets (excluding Government Securities (as defined in the 1940 Act) and cash items) on an unconsolidated basis. See *id.* at 47847.

¹¹ See *id.* at 47847. See also Securities Exchange Act Release No. 103995 (Sept. 17, 2025), 90 FR 45414 (Sept. 22, 2025) (SR–NASDAQ–2025–056; SR–ChoeBZX–2025–104; SR–NYSEARCA–2025–54) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to Adopt Generic Listing Standards for Commodity-Based Trust Shares).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 104148 (Sept. 30, 2025), 90 FR 47846 (“Notice”). The Commission has received no comments on the proposed rule change.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 104173, 90 FR 57424 (Nov. 17, 2025). The Commission designated December 31, 2025, as the

III. Proceedings To Determine Whether To Approve or Disapprove SR–NASDAQ–2025–085 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act¹² to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,¹³ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be "designed to prevent fraudulent and manipulative acts and practices" and "to protect investors and the public interest."¹⁴

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on whether the proposal to list and trade Shares of the Trust, which would be actively managed and would write OTC options on IBIT or indices tracking spot bitcoin ETPs, is designed to prevent fraudulent and manipulative acts and practices or raises any new or novel concerns not previously contemplated by the Commission.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act,

and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.¹⁵

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by January 9, 2026. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by January 23, 2026.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NASDAQ–2025–085 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2025–085. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2025–085 and should be submitted on or before January 9, 2026. Rebuttal comments

¹⁵ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

should be submitted by January 23, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–23335 Filed 12–18–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104413; File No. SR–NYSEARCA–2025–86]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Grayscale Bitcoin Mini Trust Shares To Trade Under NYSE Arca Rule 8.201–E (Generic) Commodity-Based Trust Shares

December 16, 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 3, 2025, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "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 Grayscale Bitcoin Mini Trust (the "Trust"), shares of which are currently listed and traded on the Exchange pursuant to Rule 8.201–E (Non-Generic), to list and trade on the Exchange pursuant to Rule 8.201–E (Generic). 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

¹⁶ 17 CFR 200.30–3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

¹² 15 U.S.C. 78s(b)(2)(B).

¹³ *Id.*

¹⁴ 15 U.S.C. 78f(b)(5).

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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Trust, shares of which currently list and trade on the Exchange pursuant to Rule 8.201-E (Non-Generic),⁴ to list and trade on the Exchange pursuant to Rule 8.201-E (Generic).

The shares of the Trust ("Shares") will meet the requirements of Rule 8.201-E (Generic) and will be required to comply with the continued listing requirements set forth in such Rule.

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)⁵ of the Act. 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.

The Exchange believes the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest because it would provide for the transition of the Trust from being listed under Rule 8.201-E

(Non-Generic) to Rule 8.201-E (Generic) instead. The proposed change would allow the Shares to continue listing and trading on the Exchange and permit the Trust to operate in reliance on the generic listing standards in Rule 8.201-E (Generic) instead of the terms of the Original Approval Order, thereby facilitating the continued listing and trading of exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. The Shares will meet the requirements of Rule 8.201-E (Generic) and will be required to comply with the continued listing standards set forth in Rule 8.201-E (Generic).

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 purpose of the Act. As discussed above, the proposed change is intended to facilitate the continued listing and trading of the Shares on the Exchange, thereby promoting competition among exchange-traded products to the benefit of investors and the marketplace.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act⁷ and Rule 19b-4(f)(6)⁸ thereunder. 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; or (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) of the Act⁹ and Rule 19b-4(f)(6)¹⁰ thereunder.

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(6).

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange 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

A proposed rule change filed under Rule 19b-4(f)(6)¹¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹² the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become effective and operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to promptly transition the Shares to list and trade under Rule 8.201-E (Generic), thereby providing for the continued listing and trading of the Shares on the Exchange without delay and does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.¹³

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-2025-86 on the subject line.

designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 240.19b-4(f)(6)(iii).

¹³ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁴ See Securities Exchange Act Release No. 100610 (July 26, 2024), 89 FR 62821 (August 1, 2024) (SR-NYSEARCA-2024-45) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Grayscale Bitcoin Mini Trust and Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Pando Asset Spot Bitcoin Trust) (the "Original Approval Order").

⁵ 15 U.S.C. 78f(b)(5).

⁶ 15 U.S.C. 78f(b)(5).

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–2025–86. 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–2025–86 and should be submitted on or before January 9, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–23334 Filed 12–18–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104415; File No. SR–CBOE–2025–088]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a Historical Trade-by-Trade Report

December 16, 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 11, 2025, Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) 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 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

Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) proposes to introduce a Trade-by-Trade report.

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 introduce a Trade-by-Trade report (“TBT Report”), which will be available for purchase to Cboe Trading Permit Holders (“TPHs”) and non-TPHs.⁵ The TBT Report will provide subscribers with comprehensive trade-by-trade level detail for each options transaction executed on the Exchange. The TBT Report will be produced and updated at the end of each trading day and be made available to subscribers overnight after midnight Eastern Time (*i.e.*, T+1), ensuring that the data is strictly historical and cannot be used to influence intraday trading decisions.⁶

Specifically, each row in the TBT Report will represent a single trade event and will include transaction time,

trading floor timestamp, underlying symbol, Options Symbolology Initiative (“OSI”) details (*e.g.*, root, expiry, strike, call/put), trade size, trade price, market context indicators (*e.g.*, National Best Bid/National Best Offer, local Best Bid/Best Offer), side of the market (*i.e.*, buy or sell), transaction type (opening or closing), and origin (*i.e.*, customer, professional customer, broker-dealer, and market maker), as well as the subscribing Member's execution IDs for both Simple Book⁷ and Complex Order Book⁸ trades that will better allow for accurate linkage and reconstruction of trading activity.

The Exchange anticipates a wide variety of market participants would purchase the TBT Report, including, but not limited to, individual customers, buy-side investors, and investment banks. The Exchange believes the proposed TBT Report will aid subscribers in performing detailed transaction-level analysis, compliance checks, and historical market reconstruction. The TBT Report may also serve as a foundation for analytics on liquidity, price formation, and trade behavior at a trade-by-trade level. The proposed TBT Report is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make this data available and that potential subscribers may purchase it only if they voluntarily choose to do so and are not required to purchase the TBT Report.

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.⁹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁰ 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

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b–4(f)(6).

⁵ The Exchange intends to submit a separate rule filing to establish fees for the TBT Report.

⁶ The Exchange will announce via Exchange Notice the implementation date of the proposed rule change no later than 90 days after the operative date of this rule filing.

⁷ The term “Simple Book” means the electronic book of simple orders and quotes maintained by the System, which single book is used during all trading sessions. *See* Rule 1.1.

⁸ The terms “Complex Order Book” and “COB” mean the Exchange's electronic book of complex orders used for all trading sessions. *See* Rule 5.33.

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

¹⁴ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

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)¹¹ 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 that the proposed TBT Report would further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The proposal also promotes increased transparency through the dissemination of the TBT Report. The proposed rule change would benefit investors by providing access to the TBT Report, which as noted above, may aid subscribers in performing detailed transaction-level analysis, compliance checks, and historical market reconstruction. The TBT Report may also serve as a foundation for analytics on liquidity, price formation, and trade behavior at a trade-by-trade level. Additionally, trade-by-trade information regarding opening and closing activity across different option series may indicate investor sentiment, which can be helpful trading information.

Notably, the Exchange notes that it previously submitted a filing for a similar data product, the Intraday Open-Close Data, which was immediately effective upon filing.¹² By way of background, 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 5-minutes of the conclusion of the 1-minute or 10-minute interval period.¹³

Importantly, given the TBT Report’s similarities to the Intraday Open-Close Data, the Exchange believes that this proposal does not present any new or novel issues. In terms of utility, the Exchange believes that the proposed TBT Report is very similar in nature to the Intraday Open-Close Data. While there are some differences between the Intraday Open-Close Data and the TBT Report (e.g., timing of delivery) the utility of these reports is substantially similar. Specifically, the TBT Report and the Intraday Open-Close Data both provide information regarding options trading activity on the Exchange, which in turn, may be used by subscribers to create and test trading models and analytical strategies, and provide comprehensive insight into trading on the Exchange. The functional difference is merely the level of granularity a subscriber may desire to view executed options transactions and the timeline on which each product is delivered—i.e., on a per symbol aggregated level in 1-minute or 10-minute intervals and delivered intraday on a delayed basis (Intraday Open Close Data), or as proposed, on a trade-by-trade level that is delivered on a T+1 basis (the proposed TBT Report). Importantly, by offering the TBT Report as well as the Intraday Open-Close Data, subscribers will have an additional option for historical trade data and may choose to purchase the data that best suits their business needs.

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. Specifically, the Exchange notes that both NASDAQ OMX PHLX (“PHLX”) and the NASDAQ Stock Market (“NASDAQ”) offer PHLX

Options Trade Outline (“PHOTO”)¹⁴ and NASDAQ Options Trade Outline (“NOTO”),¹⁵ respectively, which compete with the Exchange’s Intraday Open-Close Data. In this regard, the Exchange believes that its proposal will promote competition by permitting the Exchange to offer a data product similar to those offered by other competitor options exchanges but that also contains more granular data reporting details on a trade-by-trade basis, rather than on an aggregated basis.

Furthermore, the Exchange believes the proposed TBT Report is an iteration of the Intraday Open-Close Data, as well as PHOTO and NOTO, and as such, represents the type of innovation and competition that Reg NMS sought to create. In this regard, the Exchange is proposing to introduce the TBT Report in order to keep pace with changes in the industry and evolving customer needs, and believes this proposed rule change would contribute to robust competition among national securities exchanges, by meeting the needs of such customers. The Exchange has received feedback from customers that more granular, trade-by-trade data would be helpful to review.

As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges. Therefore, the Exchange does not believe 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. Furthermore, this product offering is entirely optional and is available to anyone who believes this data will be helpful for their purposes. As such, the Exchange does not believe this proposed rule change places a burden on intramarket competition.

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.

¹⁴ PHOTO and NOTO include periodic, cumulative data for a particular trading session for a particular option series. Both reports include information regarding the aggregate number of trades to open a position, aggregate number of trades to close a position, and the origin of the trades based on the specific categories of market participants (i.e., customers, broker-dealers, market makers, etc.). See Nasdaq PHLX Options—Trade Outline (PHOTO) Intraday, available at: <https://data.nasdaq.com/databases/PHOTO>; see also Nasdaq Options Market—Trade Outline (NOTO) Intraday, available at: <https://data.nasdaq.com/databases/NOTO>.

¹⁵ *Id.*

¹¹ *Id.*

¹² See Securities Exchange Act Release No. 89494 (August 6, 2020), 85 FR 48733 (August 12, 2020) (SR-CBOE–2020–070) (10-minute interval); see also Securities Exchange Act Release No. 103323 (June 26 [sic], 2025), 90 FR 27884 (June 30, 2025) (SR-CBOE–2025–042) (1-minute interval).

¹³ For example, subscribers to the intraday product receive the first calculation of intraday data by approximately 9:42 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers receive the next update at 9:52 a.m., representing the data previously provided together with data captured from 9:40 a.m. through 9:50 a.m., and so forth. Each update represents the aggregate data captured from the current “snapshot” and all previous “snapshots.”

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. 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) of the Act¹⁶ and Rule 19b-4(f)(6)¹⁷ 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-2025-088 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-CBOE-2025-088. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should

submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CBOE-2025-088 and should be submitted on or before January 9, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-23336 Filed 12-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35822; File No. 812-15856]

Onex Direct Lending BDC Fund, et al.

December 16, 2025.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies ("BDCs") and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Onex Direct Lending BDC Fund, Onex Credit Advisor, LLC, Onex Credit Partners, LLC, Onex Credit Management LLC, Onex Credit Partners Europe LLP and certain of their affiliated entities as described in Appendix A to the application.

FILING DATES: The application was filed on July 16, 2025, and amended on December 11, 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 Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below,

or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on January 12, 2026, and should be accompanied by proof of service on the Applicants, 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 who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at Secretaries-Office@sec.gov.

ADDRESSES: The Commission: Secretaries-Office@sec.gov. Applicants: Zachary Drozd, zdrazd@onex.com and mreilly@onex.com; Rajib Chanda, Steven Grigoriou and Andrew Jones, Simpson Thacher & Bartlett LLP, rajib.chanda@stblaw.com, steven.grigoriou@stblaw.com, and andrew.jones@stblaw.com.

FOR FURTHER INFORMATION CONTACT: Adam Large, Senior Special Counsel or Laura Solomon, Senior Counsel, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended application, filed December 11, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an 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/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. 2025-23395 Filed 12-18-25; 8:45 am]

BILLING CODE 8011-01-P

¹⁶ 15 U.S.C. 78s(b)(3)(A).

¹⁷ 17 CFR 240.19b-4(f)(6).

¹⁸ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104411; File No. SR–IEX–2025–35]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the Handling of Incoming Post Only Orders

December 16, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the “Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that on December 8, 2025, the Investors Exchange LLC (“IEX” or 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 self-regulatory organization. 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

Pursuant to the provisions of Section 19(b)(1) under the Act⁴, and Rule 19b–4 thereunder,⁵ the Exchange is filing with the Commission a proposed rule change to modify IEX Rule 11.190(b)(20) to modify the handling of Post Only orders that at time of entry would lock or cross a Protected Quotation⁶ of an external market. The Exchange has designated this proposed rule change as “non-controversial” under Section 19(b)(3)(A) of the Act⁷ and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.⁸

The text of the proposed rule change is available at the Exchange’s website at <https://www.iexexchange.io/resources/regulation/rule-filings> and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and the 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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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 IEX Rule 11.190(b)(20) to provide that a Post Only order that at time of entry would lock or cross a Protected Quotation of an external market will be re-priced by the System⁹ before booking, in a manner consistent with the functionality of other exchanges that offer similar order types.

IEX defines a Post Only order as a displayed, non-routable order that will not remove liquidity from the IEX Order Book¹⁰ except in certain circumstances.¹¹ Specifically, an order with a Post Only instruction will only remove liquidity if it is an order to trade a security priced below \$1.00,¹² or if it would receive price improvement (as measured against the less aggressive of the order’s limit price or the contra-side Protected Quotation) of at least \$0.01.¹³

If neither of the conditions in the preceding paragraph are met, the incoming Post Only order will post to the Order Book, unless there is a non-displayed order with a Trade Now instruction¹⁴ that locks the price of the incoming Post Only order, in which case the resting order will “be converted to an executable order that removes liquidity against such incoming order.”¹⁵ In that circumstance, the Post Only order would execute as a displayed liquidity adding order without having actually posted to the Order Book. All non-displayed limit orders (limit,¹⁶ reserve,¹⁷ and D-Limit¹⁸ orders) automatically include a Trade Now instruction, and certain non-displayed pegged orders (Midpoint,¹⁹ Offset,²⁰ Market,²¹ and Fixed Midpoint²² Peg) may include a Trade Now instruction if selected by the User.

Post Only orders that were not designated by the User to cancel are also subject to display-price sliding,²³ so that a Post Only order that would lock or cross a Protected Quotation of an external market will be ranked and displayed by the System at one (1) minimum price variant (“MPV”)²⁴ below the current NBO²⁵ (for bids) or one (1) MPV above the current NBB²⁶ (for offers). For example, under IEX’s current rules, if the NBBO for a security is \$10.10 × \$10.20, and IEX does not have any resting interest to sell at \$10.20, an incoming Post Only order to buy with a limit price of \$10.20 would be re-priced and rest on the Order Book at \$10.19 (one MPV below the NBO). However, if in the above example IEX had a non-displayed order to sell at \$10.20 with a Trade Now instruction resting on its Order Book, the incoming Post Only order would execute against the resting non-displayed order rather than re-price and post to the Order Book.

Based on informal feedback, IEX understands that Members who submit Post Only orders are typically employing a trading strategy that is contingent on them being able to be the provider of displayed liquidity. Consequently, they have expressed a preference that orders with a Post Only modifier remove liquidity as infrequently as possible (e.g., the order described above would re-price or cancel if it would lock the Protected Quotation of any external market). Based on this feedback, IEX is now proposing to change its Post Only rule in a manner consistent with Members’ preferences that will continue to incentive Members to provide displayed liquidity to the market and thereby contribute to public price discovery in a manner that is consistent with the Act.

Specifically, IEX proposes to amend IEX Rule 11.190(b)(20) by adding a new subparagraph (C) which will read in full:

If not designated by the User to cancel, a Post Only order that, at time of entry, would lock or cross a Protected Quotation of an external market will be ranked and displayed by the System at one (1) MPV below the current NBO (for bids) or one (1) MPV above the current NBB (for offers).²⁷

Under this proposed rule change, Post Only orders will continue to execute on

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ 15 U.S.C. 78s(b)(1).

⁵ 17 CFR 240.19b–4.

⁶ See IEX Rule 1.160(bb).

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b–4.

⁹ See IEX Rule 1.160(nn).

¹⁰ See IEX Rule 1.160(p).

¹¹ See IEX Rule 11.190(b)(20).

¹² See IEX Rule 11.190(b)(20)(A).

¹³ See IEX Rule 11.190(b)(20)(B).

¹⁴ See IEX Rule 11.190(b)(21).

¹⁵ *Id.*

¹⁶ See IEX Rule 11.190(a)(1)(H).

¹⁷ See IEX Rule 11.190(b)(2)(J).

¹⁸ See IEX Rule 11.190(b)(7)(F)(xi).

¹⁹ See IEX Rule 11.190(b)(9)(K).

²⁰ See IEX Rule 11.190(b)(13)(M).

²¹ See IEX Rule 11.190(b)(18)(M).

²² See IEX Rule 11.190(b)(19)(K).

²³ See IEX Rule 11.190(b)(20)(C) (“If not designated by the User to cancel, any untraded quantity of a Post Only order will be subject to display-price sliding as set forth in IEX Rule 11.190(h)(1)”).

²⁴ See IEX Rule 11.210(a).

²⁵ See IEX Rule 1.160(u).

²⁶ See IEX Rule 1.160(u).

²⁷ See proposed IEX Rule 11.190(b)(20)(C).

entry as the liquidity adding order if they lock a resting non-displayed order with a Trade Now instruction so long as the Post Only order does not also lock a Protected Quotation of an external market. Applying this rule change to the above example, if the NBBO for a security is \$10.10 × \$10.20, an incoming Post Only order to buy with a limit price of \$10.20 that would lock the Protected Quotation of an external market would be re-priced to \$10.19 (unless designated to cancel). However, if IEX also had a non-displayed order to sell at \$10.19 with a Trade Now instruction resting on its Order Book, the incoming Post Only order would execute against the resting non-displayed order at \$10.19 and not post to the Order Book.

IEX also proposes to renumber the current subparagraphs (C)–(F) of IEX Rule 11.190(b)(20) to be subparagraphs (D)–(G).

IEX also notes that this proposed change to Post Only order functionality is consistent with how similar order types are handled by other exchanges. For example, the Nasdaq Stock Market LLC (“Nasdaq”), handles incoming post only orders that would lock or cross a Protected Quotation in the same manner as IEX now proposes to handle them; specifically, it would either cancel or re-price (depending on the order’s instructions) the order to one MPV lower (higher) than the NBO (NBB) for bids (offers).²⁸ And the New York Stock Exchange (“NYSE”), would either cancel or re-price (depending on the order’s instructions) an incoming post only orders (called an “ALO Order”) that would lock or cross a Protected Quotation to a price that is one MPV lower (higher) than the NBO (NBB) for bids (offers).²⁹

Implementation

The Exchange will announce the implementation date of the proposed changes by Trader Alert at least ten days in advance of such implementation date and within 90 days of effectiveness of this proposed rule change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,³⁰ in general, and furthers the objectives of Section 6(b)(5),³¹ 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 facilitating transactions in securities, and 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.

Specifically, the Exchange believes that the proposed rule change is consistent with the public interest and protection of investors as it would better align IEX’s Post Only order type handling with Members’ preferences in a manner that will encourage Members to submit more Post Only orders to the exchange, thereby removing impediments to and perfecting the mechanism of a free and open market.

Additionally, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest, because it is designed to encourage Members to add displayed liquidity on the Exchange. As discussed above, this proposed rule change would better align IEX’s Post Only order functionality with the expectations and trading strategies of IEX’s Members seeking to add liquidity to the Exchange. This in turn is designed to encourage the posting of more displayed liquidity on the Exchange, and to the extent that such an incentive is successful in increasing the overall liquidity pool available at IEX, all market participants, including takers of liquidity, will benefit. Thus, IEX believes this proposal supports the purposes of the Act 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.

In addition, as noted in the Purpose section, this proposed rule change would align IEX’s Post Only order functionality with that of Nasdaq and NYSE.³² Thus, IEX does not believe that the proposed change raises any new or novel material issues that have not already been considered by the Commission in connection with existing order types offered by other national securities exchanges, which supports the purposes of the Act 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.

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 intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is designed to enhance IEX’s competitiveness with other markets by further incentivizing the posting of displayed liquidity on the Exchange. As noted above, the Exchange believes the proposed rule change would generally align order handling on IEX with trading functionality on other equity exchanges and thus would promote competition among exchanges by offering Members similar functionality and order handling to those available on other exchanges. The Exchange also believes that, to the extent the proposed change would increase opportunities for the posting of displayed orders to IEX’s Order Book, the proposed change would promote competition by making the Exchange a more attractive venue for order flow and enhance market quality for all market participants. Moreover, competing exchanges have adopted and can continue to adopt the same functionality contained in this proposal, subject to the SEC rule change process, as discussed in the Purpose section.

The Exchange also 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. All Members are eligible to submit Post Only orders. Moreover, the proposal would provide potential benefits to all Members to the extent that allowing Post Only orders incentivizes the provision of more displayed liquidity on IEX.

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 designated this rule filing as non-controversial under Section 19(b)(3)(A) ³³ of the Act and

²⁸ See Nasdaq Equity 4, Rule 4702(b)(4)(A).

²⁹ See NYSE Rule 7.31(e)(2)(B)(ii). NYSE would re-price the “display price” but not the “working price” which in this context is analogous to how IEX will retain the order’s limit price even after it is re-priced.

³⁰ 15 U.S.C. 78f(b).

³¹ 15 U.S.C. 78f(b)(5).

³² See *supra* notes 28 and 29.

³³ 15 U.S.C. 78s(b)(3)(A).

Rule 19b-4(f)(6)³⁴ thereunder. 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 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) of the Act and Rule 19b-4(f)(6) thereunder.

The Exchange believes that the proposed rule change meets the criteria of subparagraph (f)(6) of Rule 19b-4³⁵ because it would not significantly affect the protection of investors or the public interest. Rather, the proposed rule change neither significantly affects the protection of investors or the public interest, nor does it impose any burden on competition because it would merely adjust the functionality of Post Only orders so that it better aligns with the functionality with how Post Only orders work on other exchanges such as Nasdaq and NYSE, as discussed in the Purpose and Statutory Basis sections, and does not raise any new or novel material issues that have not already been considered by the Commission. Accordingly, IEX has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act³⁶ and paragraph (f)(6) of Rule 19b-4 thereunder.³⁷

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 under Section 19(b)(2)(B)³⁸ 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
- Send an email to rule-comments@sec.gov. Please include file number SR-IEX-2025-35 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-IEX-2025-35. 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-IEX-2025-35 and should be submitted on or before January 9, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁹

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104410; File No. SR-CboeBZX-2025-158]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Fees for New Logical Ports in Connection With a New Connectivity Offering on Its Equity Options Platform

December 16, 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 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") proposes to adopt fees for new logical ports in connection with a new connectivity offering on its equity options platform. 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 adopt fees for Unitized Logical Ports, a new connectivity offering for its equity options platform ("BZX Options") and adopt new Average Daily Quote and Average Daily Order fees.³

³ The Exchange initially submitted the proposed rule change on August 30, 2024 and was effective September 3, 2024 (SR-CboeBZX-2024-082). On September 13, 2024, the Exchange withdrew that filing and submitted SR-CboeBZX-2024-088. On November 12, 2024, the Exchange withdrew that filing and submitted SR-CboeBZX-2024-113. On December 20, 2024, the Exchange withdrew that filing and submitted SR-CboeBZX-2024-131. On February 3, 2025, the Exchange withdrew that filing and submitted SR-CboeBZX-2025-016. On April 4, the Exchange withdrew that filing and submitted SR-CboeBZX-2025-052. On June 2, 2025, the

³⁴ 17 CFR 240.19b-4(f)(6).

³⁵ 17 CFR 240.19b-4(f)(6).

³⁶ 15 U.S.C. 78s(b)(3)(A).

³⁷ 17 CFR 240.19b-4(f)(6).

³⁸ 15 U.S.C. 78s(b)(2)(B).

³⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Unitized Port Fees

By way of background, Exchange Members may interface with the Exchange's Trading System⁴ (hereinafter, "System") by utilizing either the Financial Information Exchange ("FIX") protocol or the Binary Order Entry ("BOE") protocol. The Exchange further offers a variety of logical ports,⁵ which provide users of these ports with the ability within the Exchange's System to accomplish a specific function through a connection, such as order entry, data receipt or access to information. For example, such ports include Logical Ports,⁶ Purge Ports,⁷ and Ports with Bulk Quoting Capabilities⁸ ("Bulk Ports"). By way of further background, each of these ports corresponds to a single running order handler. Each order handler processes the messages it receives from these ports from the connected Members. This processing includes determining whether the message contains the required information to enter the System, whether the message parameters satisfy port-level (*i.e.*, pre-trade) risk controls, and where to send that message within the System (*i.e.*, to

which matching engine.⁹) Once an order handler completes the processing of a message, it sends that message to the appropriate matching engine.

Historically, all order handlers connect to all matching engines. That is, under the BOEv2 and FIX protocols,¹⁰ Members were able to access all symbols from a single logical port since each port corresponds to a single order handler that conveniently connects to all matching engines ("convenience layer"). Although the Exchange configures the software and hardware for its order handlers in the same manner, there can be a natural variance in the amount of time it takes individual order handlers to process messages of the same type under this architecture. Factors that contribute to this differentiation in processing times include the availability of shared resources (such as memory), which is impacted by (among other things) then-current message rates, the number of active symbols (*i.e.*, classes), and recent messages for a symbol. This natural differentiation in processing times inherently may cause some messages to be sent from an order handler to a matching engine ahead of other messages that the Exchange's System may have received earlier on a different order handler.

The Exchange recently implemented a new architecture and protocol which includes, among other things, a single gateway per matching engine ("unitized layer"), which renders the above-described natural variance of order handler processing irrelevant for Members that connect to the unitized order handler.¹¹ More specifically, effective August 19, 2024, the Exchange implemented this new unitized access architecture and a new version of its Binary Order Entry (BOE) protocol¹²

("BOEv3"), which also resulted in the adoption of new logical port types ("Unitized Logical Ports"), for which the Exchange is now seeking to establish fees.¹³ Under the new unitized BOEv3 architecture, a single BOEv3 order handler corresponds to a single matching engine and all message traffic (including FIX and BOEv3 convenience layer port traffic)¹⁴ passes through this unitized BOEv3 order handler before reaching that order handler's corresponding matching engine.¹⁵ If a Member desires to access this unitized layer of the BOEv3 architecture, the Member would need to obtain a Unitized Logical Port for each corresponding matching engine(s) that process the symbol(s) that Member desires to trade.¹⁶

BOEv3 Unitized Logical Ports provide an expedited processing path to a single matching engine over that of other inbound paths on a best-efforts basis. Under routine circumstances, the System will process pending purge messages from BOEv3 Unitized Logical Ports before processing other inbound paths. Exceptions to this approach exist with regard to various message traffic and rate controls that are incorporated into the BOEv3 architecture. To illustrate how BOEv3 processes inbound messages, consider the following simplified example: (1) process pending purge messages from BOEv3 Unitized Logical Ports; (2) process all other pending messages from BOEv3 Unitized Logical Ports; (3) process pending messages from convenience ports.

As noted above, to access the BOEv3 architecture a Member must obtain a Unitized Logical Port for each corresponding matching engine(s) that processes the symbol(s) the Member desires to trade. The three new port types that have been adopted are: (1) BOE Unitized Logical Ports,¹⁷ (2) Bulk

Exchange withdrew that filing and submitted SR-Cboe-BZX-2025-075. On July 31, 2025, the Exchange withdrew that filing and submitted SR-CboeBZX-2025-107. On September 26, 2025, the Exchange submitted SR-CboeBZX-2025-134. On November 24, 2025, the Exchange withdrew that filing and submitted SR-CboeBZX-2025-152. On December 4, 2025, the Exchange withdrew that filing and submitted this filing.

⁴ The terms "Trading System" and "System" mean the automated trading system used by BZX Options for the trading of options contracts. See Chapter XVI. General Provisions—BZX Options, Rule 16.1 Definitions.

⁵ See Exchange Rule 21.1 (l)(2), definition of "logical port." Logical ports include FIX and BOE ports (used for order entry), drop logical port (which grants users the ability to receive and/or send drop copies) and ports that are used for receipt of certain market data feeds.

⁶ The term "Logical Ports" used herein shall refer to FIX and BOE ports (used for order entry). See Cboe BZX Options Fee Schedule, Options Logical Port Fees, "Logical Ports" (which exclude Purge Port, Multicast PITCH Spin Server Port or GRP Port).

⁷ Purge Ports provide users the ability to cancel a subset (or all) of open orders across Executing Firm ID(s) ("EFID(s)"), Underlying symbol(s), or CustomGroupID(s), across multiple logical ports/sessions. See Securities Exchange Act Release 79956 (February 3, 2017), 82 FR 10102 (February 9, 2017) (SR-BatsBZX-2017-05). See also https://cdn.cboe.com/resources/membership/US_Options_BOE_Specification.pdf and https://cdn.cboe.com/resources/membership/FIX_Specification.pdf.

⁸ See Exchange Rule 21.1 (l)(3), definition of "bulk port." Bulk Ports provide users with the ability to submit and update multiple quote bids and offers in one message through logical ports enabled for bulk-quoting.

⁹ A matching engine is a part of the Exchange's System that processes options quotes and trades on a symbol-by-symbol basis. Some matching engines will process option classes with multiple root symbols, and other matching engines will be dedicated to one single option root symbol (for example, options on SPY will be processed by one single matching engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated matching engine. A particular root symbol may not be assigned to multiple matching engines.

¹⁰ The Exchange notes for clarity that while BOEv2 has been decommissioned, Members can still access the convenience layer through BOEv3 protocol.

¹¹ See Securities Exchange Act Release 100582 (July 23, 2024), 89 FR 60958 (July 29, 2024) (SR-CboeBZX-2024-071).

¹² The BOE protocol is a proprietary order entry protocol used by Members to connect to the Exchange. The current version is BOEv3.

¹³ See Securities Exchange Act Release No. 100582 (July 23, 2024) 89 FR 60958 (July 29, 2024) (SR-CboeBZX-2024-071).

¹⁴ The Exchange decommissioned BOEv2 in March 2025.

¹⁵ The Exchange notes that this improved infrastructure improves the prior noted natural variance in the amount of time it takes individual order handlers to process messages of the same type for all Members due to the improved infrastructure, even if a participant chooses to not utilize Unitized Logical Ports.

¹⁶ Members will be able to purchase Unitized Logical Ports individually or may purchase a "set," which will provide the total number of ports needed to connect to each available matching engine.

¹⁷ Similar to the Exchange's preexisting Logical Ports, the new Unitized Logical Ports allow Members to submit orders and quotes.

Unitized Logical Ports,¹⁸ and (3) Purge Unitized Logical Ports¹⁹ (collectively, “Unitized Logical Port”). With the exception of Exchange Options Market Makers²⁰ (hereinafter, “Market Makers”) who may only quote via a BOE Bulk Unitized Logical Port,²¹ use of the unitized architecture and purchase of a

Unitized Logical Port is completely voluntary, and Members (*i.e.*, non-Market Makers) are not required, or under any regulatory obligation, to utilize them.

The Exchange proposes to establish fees for the new Unitized Logical Ports, which can be purchased on an individual basis (*i.e.*, capable of

accessing a specified matching engine (“Matching Unit”))²² and/or as a set (“Unitized Logical Port Set”) (*i.e.*, will include the total number of ports needed to connect to each available Matching Unit). The proposed fees for Unitized Logical Ports purchased individually and as sets are as follows:

BOE Unitized Logical Port	\$350/port/month.
Bulk Unitized Logical Port	\$550/port/month.
Purge Unitized Logical Port	\$400/port/month.
BOE Unitized Logical Port (Set)	\$2,500/month for 1st and 2nd port set, \$3,000/month for 3rd–14th port set, \$3,500/month for 15th–30th port set.
Bulk Unitized Logical Port (Set)	\$5,500/month for 1st and 2nd port set, \$6,000/month for 3rd–14th port set, \$6,500/month for 15th–30th port set.
Purge Unitized Logical Port (Set)	\$2,500/month for 1st and 2nd port set, \$3,000/month for 3rd–14th port set, \$3,500/month for 15th–30th port set.

The proposed fees for Unitized Logical Port Sets are progressive. For example, if a User were to purchase 11 BOE Unitized Logical Port Sets, it will be charged a total of \$32,000 per month ($\$2,500 \times 2 + \$3,000 \times 9$). As is the case today for existing logical ports, the monthly fees are assessed and applied in their entirety and are not prorated. The Exchange notes the current standard fees assessed for existing logical ports will remain applicable and unchanged,²³ and Members are still able to purchase and utilize such ports if they choose to do so. The proposed fees for Unitized Logical Port Sets will be assessed per set, per Port Type. As an example, if a Member requests three BOE Unitized Logical Port Sets, one Bulk Unitized Logical Port Set, and one Purge Unitized Logical Port Set, the firm would be charged \$8,000 ($\$2,500 + \$2,500 + \$3,000$) for the three BOE Unitized Logical Port Sets, \$5,500 for the one Bulk Unitized Logical Port Set, and \$2,500 for the one Purge Unitized Logical Port Set.²⁴

Since the Exchange has a finite amount of capacity, it also proposes to prescribe a maximum limit on the number of Unitized Logical Ports that

may be purchased and used on a per Member, per Matching Unit basis. The purpose of establishing these limits is to manage the allotment of Unitized Logical Ports in a fair and reasonable manner while preventing the Exchange from being required to expend large amounts of resources in order to provide an unlimited capacity to its matching engines. The Exchange previously proposed to provide that the two structures (*i.e.*, individual unitized ports or unitized port sets) can be combined for up to a maximum of 20 Unitized Logical Ports per Member, per Matching Unit, per type of Unitized Logical Port.²⁵ The Exchange noted at the time it adopted this maximum that it would continue monitoring interest by all Members and system capacity availability with the goal of increasing these limits to meet Members’ needs if and when the demand is there and/or the Exchange is able to accommodate such demand.²⁶ Since then, the Exchange has determined that it is able to accommodate an increased cap relative to current demand and available to the Exchange’s matching engine and order handler capacity. As such, the Exchange proposes to increase the

maximum to 30 Unitized Logical Ports per Member, per Matching Unit, per port type. As an example, a Member may request 12 BOE Unitized Logical Port Sets and 18 individual BOE Unitized Logical Ports for Matching Unit 1, providing a total max of 30 BOE Unitized Logical Ports on Matching Unit 1 specifically. This would result in having 30 BOE Unitized Logical Ports on Matching Unit 1 and 12 BOE Unitized Ports on all additional Matching Units as part of the 12 BOE Unitized Logical Port Sets requested. Additionally, a firm may request 30 Bulk Unitized Logical Port Sets and 30 Purge Unitized Logical Port Sets as those would constitute different port types.²⁷ The Exchange believes the proposed cap will be sufficient for the vast majority of Members, as the Exchange understands that at this time, no Member desires more than the current cap. The Exchange notes that it will continue to monitor interest in Unitized Logical Ports and system capacity availability with the goal of further increasing these limits to meet Members needs if and when the demand is there, and the Exchange is able to accommodate it. Additionally, Members

¹⁸ Similar to the Exchange’s preexisting Bulk Ports, the new Bulk Unitized Logical Ports allow Members to submit and update multiple quote bids and offers in one message and are particularly useful for Members that provide quotations in many different options.

¹⁹ Similar to the Exchange’s preexisting Purge Ports, the new Purge Unitized Logical Ports are dedicated logical ports that provide the ability to cancel/purge all open orders, or a subset thereof, across multiple logical ports through a single cancel/purge message. They also solely process purge messages and are designed to assist Members, including Market Makers, in the management of, and risk control over, their orders and quotes, particularly if the Member is dealing with a large number of options.

²⁰ The terms “Options Market-Maker” and “Market-Maker” mean an Options 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 XXII of these Rules. See Chapter XVI, General Provisions—BZX Options, Rule 16.1 Definitions.

²¹ Market Makers may provide liquidity using either FIX, BOE convenience ports, BOE Unitized Logical Ports, or BOE Bulk Unitized sessions using either order or quote messages. Only the BOE Bulk Unitized sessions support the quote messages. BOE Bulk convenience sessions were not created due to lack of demand from MMs.

²² The Exchange notes that it operates 32 separate matching units.

²³ For example, the Exchange currently assesses a monthly per port fee of \$750 for Logical Ports and Purge Ports. It also assesses \$1,500 per port month for the 1st and 2nd Bulk Ports and \$2,500 for the

3rd or more Bulk Ports. See Cboe BZX Options Fee Schedule, Options Logical Port Fees.

²⁴ The Exchange proposes to include this example in the Fee Schedule to provide further clarity as to the application of the proposed fees.

²⁵ See Securities Exchange Act Release 101212 (September 27, 2024), 89 FR 80614 (October 3, 2024) (SR–CboeBZX–2024–088).

²⁶ *Id.*

²⁷ The Exchange proposes to include this example in its Fee Schedule to provide clarity as to how Unitized Logical Port fees will be assessed. The Exchange further notes that in its prior filing (SR–CboeBZX–2025–016), it increased the cap to 30 and noted as such in its fee schedule; however, the Exchange will now include a clarifying update in its fee schedule to update the max tier amount from 20 to 30 for consistency and clarity.

will still be able to utilize the existing logical port connectivity offerings with no maximum limit in addition to their Unitized Logical Port allocation.²⁸ As further discussed below, the Exchange's pricing for these new Unitized Logical Ports are less than or comparable to similar offerings from other exchanges.²⁹

Average Daily Quotes and Average Daily Order Fees

The Exchange also proposes to adopt Average Daily Order ("ADO") and Average Daily Quote ("ADQ") fees. "ADO" represents the total number of orders for the month, divided by the

number of trading days. "ADQ" represents the total number of quotes for the month, divided by the number of trading days. When measuring a Member's ADO and ADQ, orders, quotes, cancel/replace modify orders, and quote updates which submit a bid or offer and do not include cancels, are included. Further, ADO and ADQ will include orders and quotes submitted by a Member from all logical port types (*i.e.*, non-unitized logical ports and Unitized Logical Ports). Each Member may submit up to 2,000,000 average daily orders or up to 250,000,000 average daily quotes per calendar month without incurring any ADO or ADQ

fees. In the event that the average number of quotes per trading day during a calendar month submitted exceeds 250,000,000, each incremental usage of up to 20,000 average daily quotes will incur an additional fee as set forth in the table below. Similarly, in the event that the average number of orders per trading day during a calendar month submitted exceeds 2,000,000, each incremental usage of up to 1,000 average daily orders will incur an additional ADO fee as set forth in the table below.³⁰ A Member's ADO and ADQ will be aggregated together with any affiliated Member sharing at least 75% common ownership.

	Fee				
	Tier 1 ≤250,000,000	Tier 2 >250,000,000	Tier 3 >500,000,000	Tier 4 >1,000,000,000	Tier 5 >3,500,000,000
ADQ Fee Rate per 20,000 ADQ	\$0.00	\$0.05	\$0.075	\$0.10	\$0.20
	Tier 1 ≤2,000,000	Tier 2 >2,000,000	Tier 3 >2,500,000	Tier 4 >3,000,000	Tier 5 >3,500,000
ADO Fee Rate per 1,000 ADO	\$0.00	\$1.00	\$1.50	\$2.00	\$2.50

As an example, a Member that has 510,000,000 ADQ would subsequently have 25,500 "ADQ increments" (510,000,000 ADQ/20,000 ADQ increments). While 12,500 of the 25,500 ADQ increments are free within Tier 1, 12,500 of the ADQ increments would be fee liable at \$0.050 within Tier 2, while the remaining 500 ADQ increments would be fee liable at \$0.075 within Tier 3, resulting in a total ADQ fee of \$662.50 for that month.³¹

The Exchange notes that market participants with incrementally higher ADO or ADQ are likely to require more of the Exchange's Trading System resources, bandwidth, and capacity. In this regard, higher ADO or ADQ may, in turn, create System latency and potentially impact other Members' ability to receive timelier executions. The proposed fee structure has multiple thresholds, and the proposed fees are incrementally greater at higher ADO and ADQ rates because the potential impact

on Exchange Systems, bandwidth, and capacity becomes greater with increased ADO and ADQ rates. As noted above, the proposal contemplates that a Member would have to exceed the high ADO rate of 2,000,000 and a Member would have to exceed the high ADQ rate of 250,000,000 before that market participant would be charged a fee under the proposed respective tiers. The Exchange believes that it is in the interests of all Members and market participants who access the Exchange to not allow other market participants to strain System resources, but rather encourage efficient usage of network capacity. The Exchange also believes this proposal (and in particular the proposed incrementally higher fee amounts associated with higher ADO and ADQ) will help to moderate excessive order/quote and trade activity from Members that may require the Exchange to otherwise increase its storage capacity and will encourage

such activity to be submitted in good faith for legitimate purposes.

The Exchange also represents that the proposed fees are not intended to raise profits; rather, as noted above, it is intended to encourage efficient behavior so that market participants do not exhaust System resources. Moreover, the Exchange provides Members with daily reports, free of charge, which details their order and trade activity in order for those firms to be fully aware of all order and trade activity they (and their affiliates) are sending to the Exchange. This will allow Members to monitor their behavior and determine whether it is approaching any of the ADO or ADQ thresholds that trigger the proposed fees.

Lastly, the Exchange notes that other exchanges have adopted various fee programs that assess incrementally higher fees to Members that have incrementally higher order and/or

²⁸ The Exchange notes that it does not support conversion of any one port type to another. Members and Market Makers would need to request new port and delete existing their port to transition from convenience ports to a Unitized Logical Port.

²⁹ See MIA Express Interface for Quoting and Trading Options, MEI Interface Specification, Section 1.2 (MEI Architecture) available at: [MIA Express Interface_MEI v2.10a.pdf](https://www.miaxglobal.com/sites/default/files/page-files/FIX_Order_Interface_FOI_v2.6c.pdf) ([miaxglobal.com](https://www.miaxglobal.com)) which indicates firms can connect directly to one or more matching engines depending on which symbols they wish to trade and states "MIA trading architecture is highly scalable and consists of multiple trade matching environments (clouds). Each cloud handles trading

for all options for a set of underlying instruments" and provides that "Market Maker firms can connect to one or more pre-assigned servers on each cloud. This will require the firm to connect to more than one cloud in order to quote in all underlying instruments they are approved to make markets in" See also MIA Express Options Order Management Using FIX Protocol, FIX Interface Specification, available at https://www.miaxglobal.com/sites/default/files/page-files/FIX_Order_Interface_FOI_v2.6c.pdf. MIA Express describes its FIX Order Interface Gateway as "a high-speed FIX Order Interface gateway [that] conveniently routes orders to our trading engines through a common entry point to our trading platform." See [https://](https://www.miaxglobal.com/markets/us-options/miax-options/interface-specifications)

www.miaxglobal.com/markets/us-options/miax-options/interface-specifications.

³⁰ The term "quote" refers to bids and offers submitted in bulk messages. A bulk message means a single electronic message a user submits with an M (Market-Maker) capacity to the Exchange in which the User may enter, modify, or cancel up to an Exchange-specified number of bids and offers. A User may submit a bulk message through a bulk port as set forth in Exchange Rule 21.1(j)(3). See Rule 16.1 (definition of bulk message).

³¹ The Exchange proposes to include this example in the Fees Schedule to provide further clarity as to the application of the proposed fees.

quoting trading activity for similar reasons.³²

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.³³ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)³⁴ 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)³⁵ requirement that the rules of an exchange not be designed to permit unfair discrimination between

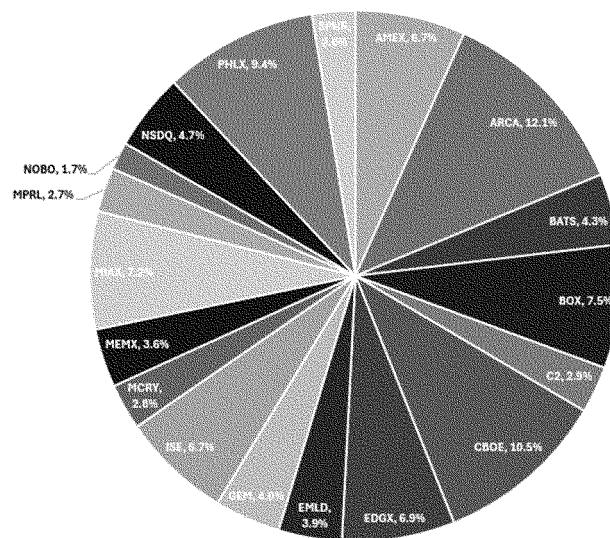
customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)³⁶ of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed fees are reasonable because Unitized Logical Ports provide a valuable service in that Unitized Logical Ports are intended to create a more consistent, and more deterministic experience for messages once received within the Exchange’s System under the recently adopted unitized BOEv3 architecture. As discussed above, the new architecture (and thereby the new Unitized Logical Ports) was designed to create a more consistent and more deterministic experience for messages once received within the System, which the Exchange believes improves the overall access experience on the Exchange and will enable future system enhancements. As noted, the BOEv3 protocol and architecture, along with the three new corresponding Unitized Logical Ports, are intended to reduce the

natural variance of order handler processing times for messages, and as a result reduce the potential resulting “reordering” of messages when they are sent from order handlers to matching engines. The adoption of the unitized BOEv3 structure (including the corresponding new Unitized Ports) was a technical solution that is intended to reduce the potential of this reordering and increase determinism.³⁷ The Exchange believes the proposed fees are also reasonable to offset costs incurred in order to build out an entirely new unitized architecture.

Furthermore, the Exchange also notes that it believes the proposed fees are similar to or less than fees assessed by other exchanges, for analogous connections as explained in further detail below.³⁸ The Exchange notes that other exchanges that offer similar pricing for similar connections have a comparable, or even lower, market share as the Exchange, as also detailed further below. Indeed, the Exchange has reviewed the U.S. options market share for each of the eighteen options markets utilizing total options contracts traded year-to-date as of the end of June 2025, as set forth in the following graph:³⁹

Multi-list Options Market Share – YTD 2025



³² See, e.g., Securities Exchange Act Release No. 60102 (June 11, 2009), 74 FR 29251 (June 19, 2009) (SR-NYSEArca-2009-50) (adopting fees applicable to Members based on the number of orders entered compared to the number of executions received in a calendar month). It appears that Nasdaq similarly assesses a penalty charge to its members that exceed certain “weighted order-to-trade ratios”. See *Price List—Trading Connectivity*, NASDAQ, available at <https://www.nasdaqtrader.com/trader.aspx?id=pricelisttrading2>. See also Securities Exchange Act Release No. 91406 (March 25, 2021), 86 FR 16795 (March 31, 2023) (SR-EMERALD-2021-10)

(adopting an “Excessive Quoting Fee” to ensure that Market Makers do not over utilize the exchange’s System by sending messages to the MIAX Emerald, to the detriment of all other Members of the exchange).

³³ 15 U.S.C. 78f(b).

³⁴ 15 U.S.C. 78f(b)(5).

³⁵ *Id.*

³⁶ 15 U.S.C. 78f(b)(4).

³⁷ See Securities Exchange Act Release 100582 (July 23, 2024), 89 FR 60958 (July 29, 2024) (SR-CboeBZX-2024-071).

³⁸ See e.g. MIAX Pearl Options Fee Schedule.

³⁹ Market share is the percentage of volume on a particular exchange relative to the total volume across all exchanges, and indicates the amount of order flow directed to that exchange. High levels of market share enhance the value of trading and ports. Total contracts include both multi-list options and proprietary options products. Proprietary options products are products with intellectual property rights that are not multi-listed. The Exchange does not currently list proprietary products.

The Exchange (market share of 4.30%) notes that the proposed Purge Unitized Logical Port fee of \$400 to connect to a matching engine is lower than fees charged by at least two other exchanges with comparable (indeed, even lower) market share, particularly by MIAX Emerald (3.90% market share) and MIAX Pearl (2.7% market share). The Exchange does note that both MIAX Emerald and MIAX Pearl offer two purge ports for a matching engine connection at a cost of \$600,⁴⁰ while the Exchange offers the primary Purge Unitized Logical Port as well as a secondary Purge Unitized Logical Port for its redundant secondary data center ports for \$400. The Exchange believes that the bulk of the value customers derive is not within the quantity of Purge Unitized Logical Ports a Member purchases, but the ability to connect to the specific matching engine.⁴¹ For instance, a Member may need to purchase several convenience ports to minimize the natural variance of order handler processing times for messages, but by comparison the same Member may only need to purchase a single Unitized Logical Port to achieve the same results. For this reason, the Exchange still believes it is better priced than MIAX Emerald's and MIAX Pearl's comparable offerings.

Furthermore, even when comparing the costs of purchasing Purge Unitized Logical Ports to connect to all matching engines, the Exchange still assesses a lower fee than MIAX Pearl or MIAX Emerald. Connecting to all matching engines on MIAX Emerald or MIAX Pearl would cost \$7,200, while connecting to all matching engines on BZX Options costs \$2,500.⁴² As noted above, while the Exchange believes the bulk of the value customers derive is the ability to connect to specific matching engines, and in this case, all matching engines, if a customer did want to have two Purge Unitized Logical Ports for all matching engines (in addition to the included secondary purge ports provided), it would cost the participant \$5,000 (\$2,500/set × 2)—still lower than

the cost of \$7,200 for two purge ports for all matching engines that MIAX Emerald and MIAX Pearl offer.

While not as closely comparable, MIAX Emerald and MIAX Pearl both offer Full Service MEI Ports (analogous to the Exchange's Bulk Port offering) and Limited Service MEI Ports (analogous to the Exchange's BOE Port offering) that are based on the lesser of a participant's per class basis or percentage of total national average daily volume measurement. For each matching engine a participant connects to (based on their activity), they receive two Full Service MEI Ports and four Limited Service MEI Ports.⁴³ Based on publicly available information, MEI ports provide market makers direct connections to each matching engine for high-speed mass quoting.⁴⁴ A Full Service MEI Ports support all input message types, and Limited Service MEI Ports support all message types except bulk quotes.

Notably, MIAX Emerald and MIAX Pearl offer their Full Service MEI Ports and Limited Service MEI Ports only to market makers on those respective exchanges, and non-market maker members are not permitted to purchase MEI connections. As such, when comparing the Unitized Logical Port fees assessed to Market Makers by the Exchange to the Full Service MEI and Limited Service MEI Ports assessed to market makers by MIAX Emerald and MIAX Pearl, the Exchange believes that its proposed fee for Unitized Logical Ports is reasonable and justified by the value derived by Options Market Makers purchasing these connections in being able to connect directly to a certain matching engine.

Specifically, presuming a participant is quoting up to 10 classes for MIAX Pearl or 5 classes for MIAX Emerald (the lowest available tier for each exchange), they are connecting to fewer matching engines than another participant who may be quoting over 100 classes (the highest tier available for both MIAX Pearl and MIAX Emerald). In comparing the monthly cost using the pricing of the lowest tiers for MIAX Pearl and MIAX Emerald, the Exchange presumes an estimated comparable connection of connecting to 3 different matching engines at a cost of \$550 per Bulk Port per matching engine and \$350 per BOE Port per matching engine.⁴⁵ This

equates to \$7,500 (((\$350 * 4 Ports * 3 matching engines) + (\$550 * 2 Ports * 3 matching engines) per month for BZX Options, and \$5,000 per month for both MIAX Pearl and Emerald. For the highest tier, the Exchange presumes that if a participant was quoting over 100 classes, they are likely connecting to all matching engines. In this case, it costs a participant \$12,000 per month for MIAX Pearl, \$20,500 per month for MIAX Emerald, and \$22,000 (\$5,500 * 2 Bulk Sets) + (\$2,500 * 2 BOE Sets (Tier 1)) + (\$3,000 * 2 BOE Sets (Tier 2)) per month for BZX Options to connect to all matching engines.

While the Exchange is priced higher in these specific examples, it again believes the value comes from the ability to connect to additional matching engines as opposed to the quantity of ports itself and participants of the Exchange are able to determine their number of desired ports as opposed to having a set package based on their Exchange activity. For example, a participant of BZX Options can have similar matching engine connectivity to the lowest tier of MIAX Emerald or MIAX Pearl by connecting to three matching engines (using the same presumed number as above) by purchasing three Bulk Ports for a cost of \$1,650 per month, substantially less than the fixed costs of \$5,000 per month of MIAX Emerald and MIAX Pearl. Additionally, a participant on BZX Options is able to connect to all matching engines for a price of \$5,500 per month by purchasing a Bulk Set as opposed to the fixed cost of MIAX Emerald and MIAX Pearl at \$20,000 per month and \$12,000 per month, respectively. Furthermore, MIAX Emerald does allow participants to purchase additional Limited Service ports at a price of \$420 per month, higher than the Exchange's comparable offering of \$350 per month for a BOE port. While it is challenging to compare the exact pricing on these products, the Exchange believes that it is priced comparably, if not lower than MIAX Pearl and MIAX Emerald.

The Exchange acknowledges that the above comparability analysis does not consider the fees assessed to non-Options Market Makers on the Exchange relative to non-market makers on MIAX Emerald or MIAX Pearl. This is due,

MIAX Pearl, a definitive comparison is not feasible. Rather, the Exchange could only reasonably infer that using the lowest tier for each of MIAX Emerald and MIAX Pearl *may* reasonably equate to connecting to 3 Exchange matching engines. The Exchange deduced that 3 Exchange matching engines *may* be a relevant comparison given the number of quoting symbols quoted per Exchange matching engine.

⁴⁰ See e.g., MIAX Emerald Options Fee Schedule.

⁴¹ Due to the higher performance that offers higher throughput with more deterministic outcomes for participants, the revised architecture leads to a decreased demand in ports generally.

⁴² The pricing amounts for MIAX Pearl and MIAX Emerald are based off of \$600 per Purge Port fee per matching engine with a total of 12 matching engines (see MIAX Pearl Options—Reminder of rebalancing of the symbol distribution across Trade Matching Environments (Clouds) effective for Trading on May 12, 2025 | MIAX and MIAX Emerald Options Rebalancing of the symbol distribution across Trade Matching Environments (Clouds) effective for Trading on April 14, 2025 | MIAX). While the pricing for BZX Options is based on connecting to all Matching Engines by purchasing a set.

⁴³ See e.g., MIAX Pearl Options Fee Schedule.

⁴⁴ See MIAX Emerald Options Exchange, Market Access—MIAX Express Interface, at 2, available at: https://www.miaxglobal.com/sites/default/files/webfile-files/MIAX_Emerald_Fact_Sheet_03272019.pdf.

⁴⁵ The Exchange notes that, based on publicly available information from MIAX Emerald and

however, to the fact that MIAX Emerald and MIAX Pearl do not permit non-market makers to purchase MEI ports (the closest comparable product to BZX's Unitized Logical Ports). Presumably, MIAX Emerald and MIAX Pearl limit such participants to use of only MIAX's FIX ports. Importantly, unlike MIAX Emerald and MIAX Pearl, the Exchange permits its Members (*i.e.*, non-Market Makers) to purchase a Unitized Logical Port, should such Member deem the use of such connection to be beneficial to their trading strategy. Additionally, Members (*i.e.*, non-Market Makers) may instead elect to purchase Exchange BOE convenience or FIX Ports, or a combination of Unitized Logical Ports, BOE convenience and FIX ports. Furthermore, Members and Market Makers are free to choose to purchase Unitized Logical Ports in sets or by individual ports (dependent on the firm's matching engine needs, which may be based on products it trades, strategies, or other business needs). As such, the Exchange's offering is both more widely available and provides Members and Market Makers with more flexibility and customization in contrast to MIAX's strict matching engine connectivity based on the classes a Market Maker is quoting in and its rigid fee structure.

As an additional point of comparison for non-market makers, the Exchange notes the FIX port fees it charges its Members, relative to those charged by MIAX Emerald and MIAX Pearl for their non-market maker members.⁴⁶ Specifically, the Exchange charges its Members \$750 per month, per convenience port (which may be FIX or BOE). MIAX Emerald⁴⁷ utilizes a progressive fee schedule for its FIX ports and charges its members a fee of \$550 per month, per port, for the first FIX port; \$350 per month, per port, for ports two through five; and \$150 per month, per port, for each FIX port above five. MIAX Pearl⁴⁸ also utilizes a progressive fee schedule for its FIX ports, and charges its members \$275 per month, per port, for the first FIX port; \$175 per month, per port, for FIX ports two through five; and \$75 per month, per port, for each sixth or more FIX port. While purchasing six FIX ports on the Exchange (\$4,500)⁴⁹ would cost more than purchasing six FIX ports on MIAX

Emerald (\$3,100)⁵⁰ or MIAX Pearl (\$1,225),⁵¹ the Exchange again notes that its Members are, unlike MIAX Emerald and MIAX Pearl members, permitted to purchase BOE ports, FIX ports, or Unitized Logical Ports, or a combination of the three, depending on their needs and strategy. In this regard, unlike MIAX Emerald and MIAX Pearl the Exchange's Unitized Logical Port solution and its related benefits are available to *all* Members, and at a lower cost than that assessed to Members for a single FIX port (\$750 for one FIX port, per month vs. \$350 for one BOE Unitized Logical Port). Therefore, while FIX ports on the Exchange are more expensive than those on MIAX Emerald and MIAX Pearl, the Exchange's port offerings as a whole provide Members and Market Makers with more flexibility in how to manage their Exchange access and better configure their connectivity costs based on their needs. The Exchange also emphasizes that the use of the Unitized Logical Ports is not necessary for trading on the Exchange and, as noted above, is entirely optional (other than Market Makers which must utilize a Unitized Logical Port for quoting). The Exchange notes the following usage stats, current as of September 25, 2025:

- Convenience Ports (FIX or BOEv3):
 - 57% of Members still utilize a convenience layer port (FIX or BOEv3), in addition to or in lieu of Unitized Ports. On average, Market Makers utilize 44 convenience ports.
- BOEv3 Unitized Logical Port:
 - Market Makers constitute 71% of all BOEv3 Unitized Logical Port usage, compared to 29% of Members (*i.e.*, non-Market Makers).
 - Market Makers constitute 70% of all BOEv3 Unitized Logical Port sets usage, while Members (*i.e.*, non-Market Makers) constitute 30% of BOEv3 Unitized Logical Port sets usage.
- BOEv3 Unitized Logical Purge Port:
 - Market Makers constitute 100% of all BOEv3 Unitized Logical Purge Port usage, and 100% of BOEv3 Unitized Logical Purge Port set usage.
- BOEv3 Unitized Logical Bulk Port:
 - Market Makers constitute 99% of all BOEv3 Unitized Logical Bulk Port Usage, while Members (*i.e.*, non-Market Makers) constitute 1%.
 - Market Makers constitute 99% of all BOEv3 Unitized Logical Bulk Port set usage, while Members (*i.e.*, non-Market Makers) constitute 1% of BOEv3 Unitized Logical Bulk Port set usage.

⁵⁰ \$750 + \$550 + \$550 + \$550 + \$550 + \$550 + \$150 = \$3,100.

⁵¹ \$275 + \$175 + \$175 + \$175 + \$175 + \$175 + \$75 = \$1,225.

The Exchange believes that the above statistics demonstrate that the use of Unitized Logical Ports and their associated fees are not mandatory per se. Indeed, Market Makers and Members alike are free to continue to utilize convenience ports for their message traffic as they best see fit, and may continue to access the Exchange through existing logical port offerings at existing rates. The Exchange believes that it is a Member's specific business needs that will drive its decision whether to use Unitized Logical Ports in lieu of, or in addition to, existing logical ports (or, as emphasized, not use them at all). If a Member finds little benefit in having these ports based on its business model and trading strategies, or determines the Unitized Logical ports are not cost-efficient for its needs, or does not provide sufficient value to the firm, such Member may continue connecting to the Exchange in the manner it does today, unchanged. Moreover, the Exchange believes that providing Members the option of purchasing Unitized Logical Ports individually or in sets provides Members further flexibility and an opportunity for cost savings for those Members that wish to only trade a subset of classes. The Exchange has seen firms take advantage of individually priced Unitized Logical Ports when their needs do not require connectivity to all matching engines—further allowing its Members to pay reduced fees relative to a Unitized Logical Port set.

Furthermore, the Exchange notes that undertaking a technological innovation, such as offering a new connectivity option for Members (of which, 57% still utilize at least one FIX or BOEv3 Port through the convenience layer), requires costs and resource allocation. In fact, as the Exchange previously noted, such innovation has improved the infrastructure for all Members of the Exchange. Such innovation is a part of what allows the Exchange to continue to provide access to markets in times of heightened volatility with zero downtime. The new Chairman of the Securities Exchange Commission, Paul Atkins, even recently heightened the importance of innovation by stating “. . . we are getting back to our roots of promoting, rather than stifling, innovation. The markets innovate, and the SEC should not be in the business of telling them to stand still.”⁵² In order for exchanges to continue to provide greater options through technological

⁴⁶ For the sake of clarity, the Exchange notes that Options Market Makers are also permitted to purchase convenience ports (which may be FIX or BOE).

⁴⁷ *Supra* note 40.

⁴⁸ *Supra* note 38.

⁴⁹ \$750 * 6 = \$4,500.

⁵² See Chairman Atkins “Prepared remarks before SEC Speaks,” May 19, 2025, available at: <https://www.sec.gov/newsroom/speeches-statements/atkins-prepared-remarks-sec-speaks-051925>.

innovation and, in turn, work to improve the resiliency of markets, exchanges must have reasonable certainty around their ability to set fees.

The Exchange also believes that the proposed Unitized Logical Port fees are equitable and not unfairly discriminatory because they continue to be assessed uniformly to similarly situated users in that all Members who choose to purchase Unitized Logical Ports will be subject to the same proposed tiered fee schedule. Moreover, Members purchasing Unitized Logical Ports will only do so if they find a benefit and sufficient value in such ports as all Members can otherwise continue to use the preexisting logical connectivity options.⁵³ As such, Members can choose whether to purchase Unitized Logical Ports based on their respective business needs.

The proposed ascending tier structure for Unitized Logical Port Sets is reasonable, equitable and not unfairly discriminatory as it is designed to encourage market participants to be efficient with their respective Unitized Logical Port usage. It also is designed so that Members that use a higher allotment of the Exchange's system resources pay higher rates, rather than placing that burden on market participants that have more modest needs. The Exchange believes the proposed ascending fee structure is therefore another appropriate means, in conjunction with an established Unitized Logical Port limit, to manage this finite resource (system capacity) and ensure it is apportioned fairly.

In contrast, MIAx's structure limits its offering to a specific subset of participants, Market Makers, and allocates its ports based on quoting. In contrast, the Exchange and its participants are free to utilize this product at their required level of consumption. Furthermore, the Exchange already assesses higher fees to those that consume more Exchange resources for the existing non-Unitized Bulk Ports.⁵⁴ The proposed limit on Unitized Logical Ports is also reasonable, equitable and not unfairly discriminatory as the Exchange believes that it is in the interests of all Members and market participants who access the Exchange to not allow Members to exhaust System resources, but to encourage efficient usage of network capacity. The Exchange also notes that the new BOEV3 unitized architecture is

subject to software limitations on the number of sessions that can be created on any one unitized process.

Consideration was given to this limitation as well as to the amount of ports firms had indicated they would need prior to the implementation of Unitized Logical Ports.

The Exchange believes the proposed ADO and ADQ fees are reasonable as Members that do not exceed the high thresholds of 2,000,000 ADO and 250,000,000 ADQ will not be charged any fee under the proposed tiers. The Exchange notes that in establishing the proposed thresholds, it evaluated average ADO and ADQ rates over several months and the thresholds were designed to protect the Exchange's Matching Engines from being adversely impacted from sustained and excessive orders/quotes throughout the course of a given month. Further, the Exchange considered the highest levels of ADO and ADQ rates amongst firms and from there, reviewed what would be considered an unreasonable threshold even at the highest levels. The ADQ thresholds are also designed to ensure Market Makers quoting activity, which acts as an important source of liquidity, is not impeded by the proposal.⁵⁵ In fact, when setting these thresholds, the Exchange reviewed to ensure that these levels would not prohibit Market Makers from meetings quoting obligations.

The Exchange also believes it is reasonable, equitable and not unfairly discriminatory to assess higher fees when a Member has higher ADO and ADQ rates because the potential impact on exchange systems, bandwidth and capacity becomes greater with increased ADO and ADQ rates. In this regard, the fees are designed to apply only to those Members whose message traffic is noticeably beyond the proposed ADO and ADQ rates. In particular, the proposed fee amounts that correspond to higher ADO and ADQ rates are designed to incentivize Members to reduce excessive order and quoting trade activity that the Exchange believes can be detrimental to all market participants at those levels and encourage such activity to be made in good faith and for legitimate purposes. As of the end of August 2025, the Exchange notes that all but one Member fell within the proposed ADO Tier 1, resulting in that one single Member being assessed additional ADO fees. With regards to ADQ, 9 Members fell

into Tier 1 and were not assessed any additional ADQ fees. Additionally, 4 Members fell into Tier 2, 2 Members fell into Tier 3, 2 Members fell into Tier 4, and 1 Member fell into Tier 5, and were assessed related ADQ fees.⁵⁶

Importantly, as noted above, the Exchange believes that it is in the interests of all Members and market participants who access the Exchange to not allow Members to exhaust System resources, but to encourage efficient usage of network capacity. The Exchange therefore also believes that the proposed fees are one method of facilitating the Commission's goal of ensuring that critical market infrastructure has "levels of capacity, integrity, resiliency, availability, and security adequate to maintain their operational capability and promote the maintenance of fair and orderly markets."⁵⁷ Furthermore, the Exchange believes adopting the proposed ADO and ADQ fees are reasonable as unfettered usage of System capacity and network resource consumption can have a detrimental effect on all market participants who access and use the Exchange. As discussed above, high ADO and ADQ rates may adversely impact system resources, bandwidth, and capacity which may, in turn, create latency and impact other Members' ability to receive timely executions.

Moreover, the Exchange believes that the proposed ADO and ADQ fees are equitable and not unfairly discriminatory because they will be assessed uniformly to similarly situated

⁵⁶ The Exchange notes that a Member's ADO and ADQ rates will naturally vary based on options trading volume on the Exchange. In its initial filing the Exchange noted that while it could not predict with certainty any Member's actual ADO and ADQ rates, that it believed approximately 74% of Members would fall into Tier 1, and the remaining 26% would fall outside of Tier 1. In this filing, the stated ADO and ADQ rates are from August 2025, and represent that approximately 50% of Members fell out of Tier 1. While this percentage is greater than the 26% of Members noted in the Exchange's initial filing, the Exchange notes that average daily volume ("ADV") in August 2025 across Cboe's four U.S. options exchange was at an all-time high of 19.2 million contracts, comprised of: record multi-listed options ADV of 14.3 millions contracts, which surpassed the ADV record of 13.6 million contracts set in February 2025; and S&P 500 Index (SPX) options ADV of 3.8 million contracts, the second-best month of all time, with zero-days-to-expiry (ODTE) trading representing a record ADV of 2.4 million contracts. See "Cboe Global Markets Reports Trading Volume for August 2025," available at: <https://ir.cboe.com/news/news-details/2025/Cboe-Global-Markets-Reports-Trading-Volume-for-August-2025/default.aspx#:~:text=record%20multi%20listed%20options%20ADV,ADV%20of%202.4%20million%20contracts.>

⁵⁷ See Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72251 (December 5, 2014) (File No. S7-01-13) (Regulation SCI Adopting Release).

⁵³ The Exchange notes that Market Makers are required to purchase and utilize a Unitized Logical Port for their quoting activity.

⁵⁴ See Cboe U.S. Options Fees Schedule, BZX Options, Options Logical Port Fees, Ports with Bulk Quoting Capabilities.

⁵⁵ Since the implementation of the proposal on September 3, 2024, the Exchange notes that it has not received any feedback from Market Maker participants that the proposal has impeded their ability to meet their quoting obligations.

users in that all Members that exceed the thresholds in connection with ADO and ADQ will be assessed the proposed ADO and ADQ rates. Regarding ADO and ADQ, no market participant is assessed any fees unless it exceeds the proposed thresholds. The Exchange also believes it is equitable and not unfairly discriminatory to assess incrementally higher fees to Members that have higher ADO and ADQ rates because the potential impact on exchange systems, bandwidth and capacity becomes greater with increased ADO and ADQ.

Furthermore, the Exchange believes it is equitable and not unfairly discriminatory to aggregate Members trading activity with any affiliated Member sharing at least 75% common ownership⁵⁸ in order to prevent members from shifting their order flow or quoting activity to other affiliates in order to circumvent the ADO and ADQ thresholds.

The Exchange lastly believes that its proposal is reasonable, equitably allocated and not unfairly discriminatory because it is not intended to raise revenue for the Exchange; rather, it is intended to encourage efficient behavior so that Members do not exhaust System resources. Moreover, as noted above, competing options exchanges similarly assess fees to deter Members from over utilizing their respective systems by having excessive order and/or quoting trading activity.⁵⁹

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange is only one of 18 options exchanges which market participants

may direct their order flow and/or participate on, and it represents a small percentage of the overall market.⁶⁰ When determining reasonable prices, the Exchange must ensure these are competitive prices in order to maintain market share, as uncompetitive pricing, or prices that Members deem to be excessive, can lead Members to take their order flow to other exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change to adopt fees for Unitized Logical Ports will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act because the proposed fees for will apply equally to all similarly situated Members. As discussed above, Unitized Logical Ports are optional⁶¹ and Members may choose to utilize Unitized Logical Ports or not, based on their views of the additional benefits and added value provided by these ports. The Exchange believes the proposed fees will be assessed proportionately to the potential value or benefit received by Members with a greater number of Unitized Logical Ports and notes that Members may determine to cease using Unitized Logical Ports should they determine that they are no longer receiving value from these ports. As discussed, Members can also continue to access the Exchange through existing Logical Ports, which fees are not changing. Moreover, while the NYSE Arca Marketplace ("Arca") and Nasdaq Stock Market, LLC ("Nasdaq") do not have offerings directly comparable to Unitized Logical Ports, the Exchange notes that Arca's and Nasdaq's port fees are higher than those of the Exchange. Specifically, the Exchange notes that Arca charges a fee of \$621 per quoting/order entry port,⁶² and Nasdaq assess its members a fee of \$575 per FIX order entry port.⁶³ In both cases, Arca and Nasdaq's port fees are more expensive than the proposed fees for a single BOE Unitized Logical Port (\$350/port/month), a single Bulk

Unitized Logical Port (\$550/port/month), and a single Purge Unitized Logical Port (\$400/port/month).

Similarly, the Exchange does not believe that the proposed rule change to adopt ADO and ADQ fees will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act because such fees will apply equally to all similarly situated Members. Particularly, the proposed fees apply uniformly to all Members, in that any Member who exceeds the ADO and/or ADQ Tier 1 thresholds will be subject to a fee under the proposed corresponding tiers. The Exchange believes that the proposed change neither favors nor penalizes one or more categories of market participants in a manner that would impose an undue burden on competition. Rather, the proposal seeks to benefit all market participants by encouraging the efficient utilization of the Exchange's network while taking into account the important liquidity provided by its Members. As discussed above potential impact on exchange systems, bandwidth, and capacity becomes greater with increased ADO and ADQ rates. Accordingly, the Exchange believes that the proposed ADO and ADQ fees do not favor certain categories of market participants in a manner that would impose a burden on competition.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market, including competition for order flow. Market Participants have numerous alternative venues that they may participate on, including 17 other options exchanges (including 3 other Cboe-affiliated options exchanges), as well as off-exchange venues, where competitive products are available for trading. Indeed, participants can readily choose to submit their order flow to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, 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

⁵⁸ The Exchange notes that its usage of 75% of common ownership is standard practice and utilized by the Exchange's affiliated exchanges. For instance, Cboe EDGX Exchange, Inc. options Market Maker Order-to-Trade Ratio fees provide that Order-to-Trade Ratio fees will apply only to participants registered as Market Makers on EDGX Options. The Order-to-Trade ratio will be calculated monthly based on the total number of orders (including messages to modify orders) submitted to EDGX Options, regardless of capacity, divided by the total number of trades occurring on orders. The calculation of the ratio will not include quotes or trades resulting from such quotes. A Market Maker's order flow will be aggregated together with any affiliated Members sharing at least 75% common ownership." See Cboe U.S. Options Fee Schedule, EDGX Options, available at: https://www.cboe.com/us/options/membership/fee_schedule/edgx/; see also Nasdaq BX Options 7 Pricing Schedule, "The term 'Common Ownership' shall mean participants under 75% common ownership or control. . . ." available at: <https://listingcenter.nasdaq.com/rulebook/bx/rules/bx-options-7>.

⁵⁹ See supra note 32.

⁶⁰ See Cboe Global Markets, U.S. Options Market Volume Summary, Month-to-Date (August 27, 2024), available at https://www.cboe.com/us/options/market_statistics/ which reflects the Exchange representing only 3.3% of total market share.

⁶¹ The Exchange notes that while use of Unitized Logical Ports is optional, Market Makers are required to utilize a Unitized Logical Port of their quoting activity.

⁶² See NYSE Arca Fees and Charges "Connectivity Fees," available at: https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf.

⁶³ See "Price List—Trading Connectivity," available at: <https://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2>.

investors and listed companies.”⁶⁴ The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’”⁶⁵ Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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 Act⁶⁶ and paragraph (f) of Rule 19b-4⁶⁷ 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-CboeBZX-2025-158 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-2025-158. 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-2025-158 and should be submitted on or before January 9, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-23331 Filed 12-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35824; File No. 812-15775]

TCW Direct Lending VIII LLC, et al.

December 16, 2025.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).
ACTION: Notice.

Notice of application for an order under sections 12(d)(1)(J), 57(c), 57(i) and 60 of Investment Company Act of 1940 (the “Act”) and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 12(d)(1)(A), 12(d)(1)(C),

57(a)(1), 57(a)(2) and 57(a)(4) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit the Company (i) to conduct an exchange offer pursuant to which investors in the Company (“Unitholders”), including certain directors and officers of the Company and employees of TCW LLC, an affiliate of TAMCO, (collectively, the “TCW Directors, Officers and Employees”), may elect to exchange all or a portion of their units in the Company (“Units”) for an equivalent number of shares (“Shares”) in the Extension Fund (each such Unitholder, an “Electing Unitholder”), and (ii) to transfer to the Extension Fund a pro rata portion of the Company’s assets and liabilities, including a pro rata portion of each of the Company’s portfolio investments, in proportion to the percentage of Units tendered and accepted for exchange.

APPLICANTS: TCW Direct Lending VIII LLC (the “Company”), TCW Direct Lending VIII Perpetual BDC LLC (the “Extension Fund”), and TCW Asset Management Company LLC (“TAMCO”).

FILING DATES: The application was filed on May 2, 2025, and amended on December 12, 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 Commission’s Secretary at Secretarys-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on January 12, 2026, and should be accompanied by proof of service on the Applicants, 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 who wish to be notified of a hearing may request notification by emailing the Commission’s Secretary at Secretarys-Office@sec.gov.

ADDRESSES: The Commission:
Secretarys-Office@sec.gov.

APPLICANTS: Andrew Bowden, Esq., Executive Vice President and General Counsel, The TCW Group, Inc.: 515 South Flower Street, Los Angeles, California 90071.

⁶⁴ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

⁶⁵ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

⁶⁶ 15 U.S.C. 78s(b)(3)(A).

⁶⁷ 17 CFR 240.19b-4(f).

⁶⁸ 17 CFR 200.30-3(a)(12).

FOR FURTHER INFORMATION CONTACT:

Toyin Momoh, Senior Counsel, or Thomas Ahmadifar, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' first amended application, dated December 12, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an 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/companysearch>. 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. 2025-23398 Filed 12-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35826; File No. 812-15800]

Barings Corporate Investors, et al.

December 16, 2025.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").
ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies ("BDCs") and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Barings Corporate Investors, Barings Participation Investors, Barings Global Short Duration High Yield Fund, Barings Dynamic Credit Income Fund, Invesco Dynamic Credit Opportunity Fund, Barings BDC, Inc., Barings Private Credit Corporation, Barings Capital Investment Corporation, Massachusetts Mutual Life Insurance Company, C.M. Life Insurance Company, MassMutual

Ascend Life Insurance Company, MassMutual Trad Private Equity LLC, Barings Finance LLC, BCF Europe Funding Limited, BCF Senior Funding I LLC, BCF Senior Funding I Designated Activity Company, Barings LLC, certain of their wholly-owned subsidiaries and joint ventures as described in Schedule A to the application, and certain of their affiliated entities as described in Schedule B to the application.

FILING DATES: The application was filed on May 15, 2025, and amended on September 5, 2025, December 3, 2025, and December 15, 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 Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on January 12, 2026, and should be accompanied by proof of service on the Applicants, 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 who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at Secretaries-Office@sec.gov.

ADDRESSES: The Commission: Secretaries-Office@sec.gov. Applicants: Jill Dinerman, Esq., Barings LLC, 300 S Tryon Street, Suite 2500, Charlotte, NC 28202; Melanie Ringold, Esq., Invesco Dynamic Credit Opportunity Fund, 11 Greenway Plaza, Houston, Texas 77046; Richard Horowitz, Esq., richard.horowitz@dechert.com; Dechert LLP, 1095 Avenue of the Americas New York, NY 10036; Harry Pangas, Esq., harry.pangas@dechert.com; Dechert LLP, 1900 K Street NW, Washington, DC 20006; Clay Douglas, Esq., clay.douglas@dechert.com; Dechert LLP, 1900 K Street NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT:

Adam Large, Senior Special Counsel or Toyin Momoh, Senior Counsel at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal

analysis, and conditions, please refer to Applicants' third amended application, filed December 15, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an 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/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. 2025-23397 Filed 12-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104412; File No. SR-FICC-2025-015]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Modify the GSD Rulebook Relating to Default Management and Porting With Respect to Indirect Participant Activity

December 16, 2025.

On June 6, 2025, Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change SR-FICC-2025-015 pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Exchange Act")¹ and Rule 19b-4² thereunder to modify FICC's Government Securities Division ("GSD") Rulebook ("GSD Rules")³ to enhance and clarify FICC's default management rules as they apply to the Sponsored Service and Agent Clearing Service, and to facilitate the porting of indirect participant activity from one intermediary Netting Member to another intermediary Netting Member. The proposed rule change was published for public comment in the **Federal Register** on June 23, 2025.⁴

The Commission has received comments regarding the substance of the changes proposed in the proposed

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Terms not defined herein are defined in the GSD Rules, available at www.dtcc.com/legal/rules-and-procedures.aspx.

⁴ Securities Exchange Act Release No. 103282 (June 17, 2025), 90 FR 26656 (June 23, 2025) (File No. SR-FICC-2025-015) ("Notice of Filing").

rule change.⁵ In addition, the Commission has received a letter from FICC in response to the public comments.⁶ On July 31, 2025, pursuant to Section 19(b)(2) of the Exchange Act,⁷ 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.⁸

On September 16, 2025, FICC filed Amendment No. 1 to the proposed rule change. Notice of FICC's filing of Amendment No. 1 was published for public comment in the **Federal Register** on September 23, 2025, whereupon the Commission also instituted proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.⁹ For the reasons discussed below, the Commission is approving the proposed rule change, as modified by Amendment No. 1.

I. Description of the Proposed Rule Change

A. Background

FICC, through GSD, serves as a central counterparty ("CCP") and provider of clearance and settlement services for transactions in U.S. Treasury securities. As a CCP, FICC novates transactions between two counterparties, effectively becoming the buyer to every seller and the seller to every buyer, and guarantees settlement of the novated transactions. GSD's CCP services are available directly to entities that are approved under the GSD Rules to be Netting Members and indirectly to other market participants through GSD's indirect access models, the Sponsored Service and Agent Clearing Service, described more fully below.

A CCP is exposed to a number of risks that arise from novating trades, including counterparty credit risk, because the CCP guarantees the performance of every novated trade and thereby becomes the entity exposed to potential financial loss if a counterparty defaults on its obligations to deliver cash and/or securities. FICC addresses

these risks through a risk management framework that governs, among other things, various actions that FICC may take following the default of its Netting Members, including those Netting Members that act as intermediaries for indirect participants as either Sponsoring Members or Agent Clearing Members.

As described more fully below, FICC believes that enhancing the GSD Rules regarding default management (particularly for Agent Clearing Members) and porting would encourage greater participation in central clearing by improving market participants' understanding of how GSD would manage a default that may occur within GSD's indirect access models.¹⁰

GSD's Indirect Access Models

The GSD Rules provide for two indirect access models, the Sponsored Service and the Agent Clearing Service.¹¹ The Sponsored Service and the Agent Clearing Service provide Indirect Participants with different options to access FICC's clearance and settlement services. The primary differences between the two services are that (1) Indirect Participants within the Sponsored Service must establish a limited purpose GSD membership, whereas Indirect Participants within the Agent Clearing Service do not establish any such membership, and (2) Sponsored Member Trades are margined on a gross basis, whereas Agent Clearing Transactions may be margined on a net basis when recorded in the same Agent Clearing Member Omnibus Account.

As described in GSD Rule 3A, the Sponsored Service permits Members that are approved to be Sponsoring Members to sponsor certain institutional firms (*i.e.*, Sponsored Members) into GSD membership.¹² For these relationships, FICC establishes and maintains a "Sponsoring Member Omnibus Account" on its books where it records the transactions of the Sponsoring Member's Sponsored

Members ("Sponsored Member Trades").¹³ For purposes of managing the risks presented by Sponsored Member Trades, activity recorded in a Sponsoring Member Omnibus Account is margined on a gross (*i.e.*, Sponsored Member-by-Sponsored Member) basis and cannot be netted across Sponsored Members.¹⁴

Although a Sponsored Member is a limited member of GSD and the legal counterparty to FICC for any submitted transactions, the Sponsoring Member unconditionally guarantees to FICC the payment and performance of a Sponsored Member's obligations to FICC ("Sponsoring Member Guaranty").¹⁵ Therefore, FICC relies on the financial resources of the Sponsoring Member in relying upon the Sponsoring Member Guaranty.

FICC's Agent Clearing Service facilitates agent-style trading by allowing Members that are approved to be Agent Clearing Members to submit trades of their customers (*i.e.*, Executing Firm Customers) to GSD for clearance and settlement.¹⁶ FICC establishes and maintains an "Agent Clearing Member Omnibus Account" on its books where it records the transactions of the Agent Clearing Member's Executing Firm Customers ("Agent Clearing Transactions").¹⁷ Unlike Sponsored Members, Executing Firm Customers do not become limited members of GSD. Agent Clearing Members act as both processing agent and credit intermediary for their customers in clearing, and Executing Firm Customers are identified on Agent Clearing Transactions when such activity is submitted to FICC. FICC may net the Agent Clearing Transactions of one or more Executing Firm Customers whose activity is recorded in the same Agent Clearing Member Omnibus Account for purposes of calculating the required margin deposits.

The activity for Indirect Participants must be recorded in GSD accounts that are separate from the accounts in which the intermediary Netting Members' own proprietary transactions are recorded.¹⁸

⁵ Comments on the Proposed Rule Change are available at <https://www.sec.gov/comments/sr-ficc-2025-015/srficc2025015.htm>.

⁶ See Letter from Laura Klimpel, Managing Director, Head of Fixed Income and Financing Solutions, The Depository Trust & Clearing Corporation ("DTCC") (Sept. 29, 2025) ("FICC Letter"), *supra* note 5.

⁷ 15 U.S.C. 78s(b)(2).

⁸ Securities Exchange Act Release No. 103557 (July 28, 2025), 90 FR 36088 (July 31, 2025) (File No. SR-FICC-2025-015).

⁹ Securities Exchange Act Release No. 104001 (Sept. 18, 2025), 90 FR 45850 (Sept. 23, 2025) (File No. SR-FICC-2025-015) ("Notice of Amendment No. 1").

¹⁰ See Notice of Filing, *supra* note 4, 90 FR at 26656-57. During the Commission's review of FICC's recent proposed rule change to adopt and enhance GSD Rule provisions regarding access models (See Securities Exchange Act Release No. 101694 (Nov. 21, 2024), 89 FR 93784 (Nov. 27, 2024) (SR-FICC-2024-005)), the Commission received comments requesting that FICC disclose more information regarding the governance of default management under the various access models, indicating that the absence of explicit default management provisions in the GSD Rules presents an obstacle to greater participation in central clearing. Comments are available at <https://www.sec.gov/comments/sr-ficc-2024-005/srficc2024005.htm>.

¹¹ See GSD Rule 3A and GSD Rule 8, *supra* note 3.

¹² See GSD Rule 3A, *supra* note 3.

¹³ See GSD Rule 2B and GSD Rule 1 (definition of "Sponsored Member Trade"), *supra* note 3.

¹⁴ See Section 10 of GSD Rule 3A and GSD Rule 4, *supra* note 3.

¹⁵ See GSD Rule 1 (definition of "Sponsoring Member Guaranty") and Section 2(c) of GSD Rule 3A, *supra* note 3.

¹⁶ See GSD Rule 8, *supra* note 3.

¹⁷ See GSD Rule 2B and GSD Rule 1 (definition of "Agent Clearing Transactions"), *supra* note 3.

¹⁸ GSD Rule 2B governs the maintenance of separate Accounts and creates a framework for the separate calculation, collection, and holding of margin supporting a Netting Member's Proprietary Transactions and the margin supporting the

Additionally, both Sponsoring Members and Agent Clearing Members have the option of designating certain Indirect Participants as Segregated Indirect Participants. The activity for Segregated Indirect Participants must be recorded in a separate Segregated Indirect Participant Account, which allows the Sponsoring Member or Agent Clearing Member to direct FICC to calculate and segregate margin deposited in connection with these separate Accounts (“Segregated Customer Margin”) in accordance with the conditions in Note H to Rule 15c3–3a under the Exchange Act (“Note H”).¹⁹ In this way, all Segregated Customer Margin deposited with FICC to support the obligations arising under the transactions recorded in a given Segregated Indirect Participants Account must be recorded in a specific Segregated Customer Margin Custody Account maintained by FICC on its books and records for the Netting Member that deposited such Segregated Customer Margin, which account would be separate from any other accounts maintained by FICC for the Netting Member, including fellow Segregated Customer Margin Custody Accounts. Finally, Segregated Customer Margin deposits must be met using assets deposited by the Segregated Indirect Participants with the Netting Member, with a limited exception of temporary “prefunding” by the Netting Member while a margin call to the Segregated Indirect Participant is outstanding.²⁰

Default Management in the Current GSD Rules

The GSD Rules currently include default management provisions that describe the circumstances that would allow FICC to suspend, prohibit, or limit a Member’s access to FICC’s services.²¹ GSD Rule 21 enumerates the circumstances that would provide cause for FICC’s Board of Directors (“Board”) to suspend, prohibit, or limit a Member’s access to FICC’s services.²²

transactions a Netting Member submits on behalf of Indirect Participants. *See* GSD Rule 2B, *supra* note 3.

¹⁹ *See* 17 CFR 240.15c3–3a. These conditions require, among other things, that activity of Segregated Indirect Participants be margined on a gross (*i.e.*, Segregated Indirect Participant-by-Segregated Indirect Participant) basis, and that the Segregated Customer Margin deposits be credited to a Segregated Customer Margin Custody Account to be used exclusively to settle and margin transactions in U.S. Treasury securities recorded in the corresponding Segregated Indirect Participants Account. *See* Section 1a of GSD Rule 4, *supra* note 3.

²⁰ *See* Section 3 of GSD Rule 2B, *supra* note 3.

²¹ *See* GSD Rule 21, *supra* note 3.

²² *See id.* Such circumstances include a Member’s failure to perform any of its obligations to FICC,

Additionally, GSD Rule 22 enumerates the circumstances that would cause a Member to be treated as insolvent.²³ If any of the enumerated circumstances arise, FICC may suspend a Member from any service provided by FICC, either with respect to one or more particular transactions or with respect to transactions generally, or FICC may prohibit or limit such Member’s access to services offered by FICC.²⁴ When FICC restricts a Member’s access to services pursuant to GSD Rule 22A, FICC is said to have “ceased to act” for a Defaulting Member.²⁵

GSD Rule 22A describes the general default management procedures FICC follows once it has ceased to act for a Defaulting Member, including provisions for the treatment of the Defaulting Member’s pending transactions.²⁶ Unless FICC’s Board determines otherwise, from the time that FICC has ceased to act for the Defaulting Member, FICC would not process any trades that are not Compared Trades²⁷ to which the Defaulting Member is a party.²⁸ GSD Rule 22A also sets forth the close-out process that FICC would follow upon ceasing to act for a Defaulting Member.²⁹ The close-out process starts with the creation of a “Final Net Settlement Position” for each Eligible Netting Security with a distinct CUSIP Number.³⁰ This position is a net of all outstanding Deliver Obligations and Receive Obligations of the Defaulting Member in each such security.³¹ FICC then buys, sells, or otherwise liquidates the Final Net Settlement Positions.³²

GSD Rule 3A incorporates the default management provisions described above into the Sponsored Service.³³ Thus,

violation of the GSD Rules or any agreement with FICC, fraudulent or dishonest conduct, significant financial or operational difficulties, lack of bank credit, or suspension, prohibition, or limitation has been determined by FICC’s Board to be necessary to protect FICC or its membership. *See id.*

²³ *See* GSD Rule 22, *supra* note 3.

²⁴ *See id.*

²⁵ *See* GSD Rule 1 (definition of “Defaulting Member”), *supra* note 3.

²⁶ *See* GSD Rule 22A, *supra* note 3.

²⁷ The term Compared Trade means a trade, the data on which has been compared or deemed compared in the Comparison System pursuant to the GSD Rules, and the GSD Rules describe how a Compared Trade is Novated. *See* GSD Rule 1 (definition of Compared Trade) and 5, Section 8(a) (describing Novation of Compared Trades), *supra* note 3.

²⁸ *See* Section 2(a) of GSD Rule 22A, *supra* note 3.

²⁹ *See* Section 2(a) of GSD Rule 22A, *supra* note 3.

³⁰ *See id.*

³¹ *See id.*

³² *See id.*

³³ *See* Sections 13–18 of GSD Rule 3A, *supra* note 3.

FICC may suspend, prohibit, or limit access to FICC’s services by Sponsoring Members and Sponsored Members when any of the applicable circumstances enumerated in GSD Rule 21 would provide cause for such action.³⁴ If FICC ceases to act for a Sponsoring Member or Sponsored Member, the relevant provisions of GSD Rule 22A would apply.³⁵ Additionally, if FICC ceases to act for a Sponsoring Member, GSD Rule 3A provides FICC with the discretion to determine whether to close-out any affected Sponsored Member Trades and/or permit the Sponsored Members to complete their settlement.³⁶ If FICC determines to complete settlement, the Sponsored Member Trades would settle pursuant to the GSD Rules in the normal course of business.³⁷ GSD Rule 3A also includes provisions that govern the voluntary liquidation of done-with Sponsored Member Trades by either the Sponsoring Member or FICC.³⁸

The GSD Rules that describe the Agent Clearing Service currently do not contain provisions that would govern the default of an Agent Clearing Member.³⁹

The GSD Rules currently do not contain provisions that would permit the porting of indirect participant positions and margin between Netting Member intermediaries, neither in the regular course of business nor following the default of a Netting Member intermediary.

Finally, GSD Rule 22B describes the circumstances that would constitute a default by FICC (“Corporation Default”) and the actions that would follow such an event, including how novated transactions would be treated.⁴⁰ Specifically, following a Corporation Default, novated, unsettled transactions would be terminated, and Members would be required to take market action to close-out those positions and report the results of such action to FICC’s Board.⁴¹ GSD Rule 22B applies to activity that is cleared through the

³⁴ *See id.*

³⁵ *See* Sections 13–14 of GSD Rule 3A, *supra* note 3.

³⁶ *See* Section 14(c) of GSD Rule 3A, *supra* note 3.

³⁷ *See id.*

³⁸ *See* Section 18 of GSD Rule 3A, *supra* note 3. Done-with transactions are those executed between an Indirect Participant and Indirect Participant’s Sponsoring Member or Agent Clearing Member. Done-away transactions are those executed between an Indirect Participant and a party other than the Indirect Participant’s Sponsoring Member of Agent Clearing Member (*i.e.*, either another Netting Member or Indirect Participant).

³⁹ *See* GSD Rule 8, *supra* note 3.

⁴⁰ *See* GSD Rule 22B, *supra* note 3.

⁴¹ *See id.*

Sponsored Service and is incorporated into GSD Rule 3A by reference,⁴² but the provisions of GSD Rule 22B currently do not specify how Sponsored Member Transactions, or other Indirect Participant activity, would be treated following a Corporation Default.⁴³

B. Proposed Changes

FICC proposes to expand the default management provisions in the GSD Rules applicable to the Sponsored Service and Agent Clearing Service to more fully address the default scenarios of Netting Member intermediaries, Indirect Participants, and FICC. Additionally, FICC proposes to add provisions to the GSD Rules that govern the porting of Indirect Participant activity between intermediary Netting Members, both in the normal course of business and following the default of an intermediary. Finally, FICC proposes several non-substantive technical updates and corrections to the GSD Rules.

FICC states that the proposed changes would encourage greater utilization of central clearing on the part of market participants by providing additional information in the GSD Rules regarding the rights and obligations of FICC's direct and indirect participants in the event of a default.⁴⁴ Additionally, FICC states that adding new porting provisions to the GSD Rules would provide indirect participants with a tool to manage their clearing activity and intermediary relationships and to manage their exposures to a defaulting intermediary.⁴⁵ FICC states that the proposed changes would thereby further facilitate access to GSD's clearance and settlement services.⁴⁶

1. Default Management Rules Governing the Sponsored Service

Sponsoring Member or Sponsored Member Default

Currently, Sections 13 through 16 of GSD Rule 3A address the default of a Sponsoring Member or Sponsored Member by incorporating GSD Rules 21, 22, and 22A, making those provisions applicable to Sponsoring Members, Sponsored Members, and Sponsored Member Trades.⁴⁷

As described above, in the event FICC ceases to act for a Sponsoring Member, Section 14(c) of GSD Rule 3A currently provides FICC with the discretion to either close-out affected Sponsored Member Trades and/or permit the Sponsored Members to complete their settlement.⁴⁸ FICC proposes to add a third alternative to the disposition of Sponsored Member Trades following a Sponsoring Member default—the porting (*i.e.*, transfer) of those positions to a different Sponsoring Member pursuant to proposed GSD Rule 26, discussed more fully below.⁴⁹

FICC also proposes to add a new Section 14(d)(i) to GSD Rule 3A to provide additional information regarding the operation of the settlement process.⁵⁰ Specifically, if FICC determines to permit the Sponsored Member of a defaulting Sponsoring Member to complete settlement with respect to affected Sponsored Member Trades, such settlement shall occur in accordance with Section 8 of GSD Rule 3A, as though the Sponsoring Member was not a Defaulting Member pursuant to GSD Rule 22A.⁵¹

FICC also proposes to add a new Section 14(d)(ii) to GSD Rule 3A to provide additional information regarding the close-out process of Sponsored Member Trades.⁵² Specifically, if FICC determines to close-out the Sponsored Member Trades of a defaulting Sponsoring Member, FICC may net the positions of each Sponsored Member (including each Segregated Indirect Participant that is a Sponsored Member), in determining a Final Net Settlement Position.⁵³ However, FICC would not net the positions of one Sponsored Member (or Segregated Indirect Participant) against the positions of another Sponsored Member (or Segregated Indirect Participant).⁵⁴

Additionally, as originally filed, proposed Section 14(d)(ii) of GSD Rule 3A would provide that, with respect to any amount due to a Segregated Indirect Participant that is a Sponsored Member, FICC would make such payment to or as directed by the Sponsoring Member or its trustee or receiver.⁵⁵ In Amendment No. 1, FICC proposes to amend

proposed Section 14(d)(ii) of GSD Rule 3A to clarify its applicability to Sponsored Members in general.⁵⁶ FICC's proposals to change Section 14(d) of GSD Rule 3A would not alter FICC's current processes.⁵⁷

Sponsoring Member's Ability To Close-Out Sponsored Member Trades

Currently, Section 18(b) of GSD Rule 3A allows a Sponsoring Member to terminate all, but not fewer than all, of a Sponsored Member's positions and corresponding positions in the Sponsoring Member's Dealer Account.⁵⁸ In Amendment No. 1, FICC proposes to amend Section 18 (re-numbered Section 16) of GSD Rule 3A to provide Sponsoring Members the ability to close-out some or all of the relevant Sponsored Member Trades.⁵⁹ FICC states that providing such flexibility would better facilitate the ability of Sponsoring Members to provide clearing services to Sponsored Members.⁶⁰

Description of Additional Liquidation Mechanisms

Currently, Section 18 of GSD Rule 3A includes a provision that governs the voluntary liquidation of done-with Sponsored Member Trades by either the Sponsoring Member or FICC.⁶¹ In Amendment No. 1, FICC proposes to amend Section 18 (re-numbered Section 16) of GSD Rule 3A to describe additional mechanisms through which Sponsoring Members may liquidate both done-with and done-away transactions of Sponsored Members.⁶²

Specifically, FICC proposes to add a provision to Section 18 (re-numbered Section 16) of GSD Rule 3A that would describe two additional liquidation mechanisms ("SMP Liquidation Actions") available to Sponsoring Members to liquidate both done-with and done-away Sponsored Member Trades of a Sponsored Member.⁶³ First, to liquidate positions resulting from Sponsored Member Trades other than Sponsored GC Trades, the Sponsoring

⁵⁶ See Notice of Amendment No. 1, *supra* note 9, 90 FR at 45852.

⁵⁷ See *id.*

⁵⁸ See Section 18(b) of GSD Rule 3A, *supra* note 3.

⁵⁹ See Notice of Amendment No. 1, *supra* note 9, 90 FR at 45852.

⁶⁰ See *id.*

⁶¹ See Section 18 of GSD Rule 3A, *supra* note 3.

⁶² See Notice of Amendment No. 1, *supra* note 9, 90 FR at 45851–52.

⁶³ See *id.* FICC states that both liquidation mechanisms are currently operationally available to Sponsoring Members. Amendment No. 1 would provide for these mechanisms explicitly in the GSD Rules, improving market participants' understanding of the actions available for Sponsoring Members to liquidate Sponsored Member Trades. See *id.*

⁴² See Section 17(a) of GSD Rule 3A, *supra* note 3.

⁴³ See GSD Rule 22B, *supra* note 3.

⁴⁴ See Notice of Filing, *supra* note 4, 90 FR at 26656.

⁴⁵ See Notice of Filing, *supra* note 4, 90 FR at 26657.

⁴⁶ See *id.*

⁴⁷ See Sections 14 and 16 of GSD Rule 3A, *supra* note 3. FICC also proposes to streamline these provisions by removing repetitive language and relocating the consolidated language in Sections 13

and 14 of GSD Rule 3A. See Notice of Filing, *supra* note 4, 90 FR at 26659.

⁴⁸ See Section 14(c) of GSD Rule 3A, *supra* note 3.

⁴⁹ See Notice of Filing, *supra* note 4, 90 FR at 26659.

⁵⁰ See *id.*

⁵¹ See *id.*

⁵² See *id.*

⁵³ See *id.*

⁵⁴ See *id.*

⁵⁵ See *id.*

Member may submit to FICC (to be recorded in the Sponsoring Member Omnibus Account) another Sponsored Member Trade that offsets, in whole or in part, any Net Settlement Position or Forward Net Settlement Position established in such Sponsoring Member Omnibus Account (the “Offsetting Transaction Mechanism”).⁶⁴ Second, for any Sponsored Member Trades, the Sponsoring Member may instruct FICC to transfer to a Proprietary Account of the Sponsoring Member any Net Settlement Position or Forward Net Settlement Position established in a Sponsoring Member Omnibus Account (the “Transfer Mechanism”). As a result of such instruction, the positions would become the proprietary positions of the Sponsoring Member.⁶⁵

2. Default Management Rules Governing the Agent Clearing Service

As described above, current GSD Rule 8 does not address default management within the Agent Clearing Service.⁶⁶ FICC proposes to adopt new provisions in GSD Rule 8 to govern the default of an Agent Clearing Member.⁶⁷ FICC also proposes to adopt new provisions in GSD Rule 8 that would align the default management processes across Indirect Participants (*i.e.*, Executing Firm Customers using the Agent Clearing Service and Sponsored Members using the Sponsored Service) where such alignment is appropriate.⁶⁸

Voluntary Termination of Agent Clearing Member Status

Section 3(g) of GSD Rule 8 currently provides that an Agent Clearing Member may terminate its status as an Agent Clearing Member by providing notice to FICC.⁶⁹ However, this provision does not provide certainty regarding the treatment of the terminated Agent Clearing Member’s unsettled Agent Clearing Transactions.⁷⁰ FICC proposes to expand Section 3(g) of GSD Rule 8 to include provisions aligned with those in Section 2(i) of GSD Rule 3A applicable to the voluntary termination of Sponsoring Member status.⁷¹ However, proposed Section 3(g) of GSD Rule 8

would reflect substantive differences between the voluntary termination of an Agent Clearing Member and a Sponsoring Member, including: (1) the Sponsoring Member Guaranty is not applicable within the Agent Clearing Service; and (2) FICC need not post an Important Notice when an Agent Clearing Member voluntarily terminates its status as such with respect to all Executing Firm Customers because FICC does not publish lists of Agent Clearing Members and their Executing Firm Customer relationships.⁷² Additionally, FICC proposes to expand Section 3(g) of GSD Rule 8 to include a more detailed description of the actions to be taken by both the Agent Clearing Member and FICC when an Agent Clearing Member voluntarily terminates its status as such.⁷³

Termination of Executing Firm Customer(s) Access to the Agent Clearing Service

FICC proposes to add a new Section 3(h) to GSD Rule 8 that would permit FICC to terminate the access of one or more Executing Firm Customers to the Agent Clearing Service.⁷⁴ FICC states that it may take such action, for example, if an Executing Firm Customer is subject to sanctions that would restrict or prohibit FICC from processing the Executing Firm Customer’s transactions.⁷⁵

FICC’s Right To Offset Agent Clearing Member Obligations

FICC proposes to add a new Section 5(f) to GSD Rule 8 to provide that when any obligation of an Agent Clearing Member arises under the GSD Rules to pay or perform with respect to an Executing Firm Customer, FICC may exercise a right to offset and net any such obligation against any obligations of FICC to the Agent Clearing Member in respect of such Agent Clearing Member’s Proprietary Accounts.⁷⁶ This provision would align with Section 11 of GSD Rule 3A applicable to the Sponsored Service, except with respect to the Sponsoring Member Guaranty, which is not applicable to the Agent Clearing Service.⁷⁷

Application of GSD’s Loss Allocation Provisions to the Agent Clearing Service

FICC proposes to expand Section 7(f) of GSD Rule 8 to state that Executing Firm Customers shall not be obligated

for allocations of loss or liability incurred by FICC pursuant to GSD Rule 4.⁷⁸ To the extent a loss or liability is determined by FICC to arise in connection with Agent Clearing Transactions (*i.e.*, in connection with the insolvency or default of an Agent Clearing Member), the Executing Firm Customers shall not be responsible for, or considered in, the loss allocation calculation and such obligation would be the responsibility of the Agent Clearing Member.⁷⁹ These provisions would align with Section 12(a) of GSD Rule 3A applicable to the Sponsored Service, except with respect to Off-the-Market Transactions, which are not applicable to Agent Clearing Transactions.⁸⁰

Agent Clearing Member Default

FICC proposes to add Section 8 to GSD Rule 8 to describe the default management process that would govern the default of an Agent Clearing Member.⁸¹ These proposed provisions would align with Section 14 of GSD Rule 3A applicable to the Sponsored Service, as appropriate.⁸² Section 8 of GSD Rule 8 would address an Agent Clearing Member default by incorporating GSD Rules 21, 22, and 22A, making those provisions applicable to Agent Clearing Members and Agent Clearing Transactions.⁸³ Additionally, in the event FICC ceases to act for an Agent Clearing Member, Section 8(c) of GSD Rule 8 would provide FICC with the discretion to either close-out affected Agent Clearing Transactions, permit the Executing Firm Customers to complete their settlement, or port (*i.e.*, transfer) all or part of those positions to a different Agent Clearing Member pursuant to proposed GSD Rule 26, discussed more fully below.⁸⁴ Section 8(d) of GSD Rule 8 would provide that if FICC determines to permit the Executing Firm Customers of the defaulting Agent Clearing Member to complete settlement with respect to affected Agent Clearing Transactions, settlement shall occur as if the Agent Clearing Member was not a Defaulting Member pursuant to GSD Rule 22A.⁸⁵ Section 8(e) of GSD Rule 8 would provide that FICC may net the positions of Executing Firm Customers (other than

⁶⁴ See Notice of Amendment No. 1, *supra* note 9, 90 FR at 45852. This offsetting mechanism would not be available for Sponsored GC Trades because FICC settles Sponsored GC Trades on a gross basis and, therefore, an offsetting trade would not effectively liquidate a Sponsored GC Trade. See *id.*

⁶⁵ See *id.*

⁶⁶ See GSD Rule 8, *supra* note 3.

⁶⁷ See Notice of Filing, *supra* note 4, 90 FR at 26660.

⁶⁸ See *id.*

⁶⁹ See Section 3(g) of GSD Rule 8, *supra* note 3.

⁷⁰ See *id.*

⁷¹ See Notice of Filing, *supra* note 4, 90 FR at 26660.

⁷² See *id.*

⁷³ See *id.*

⁷⁴ See *id.*

⁷⁵ See *id.*

⁷⁶ See Notice of Filing, *supra* note 4, 90 FR at 26660–61.

⁷⁷ See *id.*

⁷⁸ See Notice of Filing, *supra* note 4, 90 FR at 26661.

⁷⁹ See *id.*

⁸⁰ See *id.*

⁸¹ See Notice of Filing, *supra* note 4, 90 FR at 26661–62.

⁸² See *id.*

⁸³ See *id.*

⁸⁴ See Notice of Filing, *supra* note 4, 90 FR at 26661.

⁸⁵ See *id.*

Segregated Indirect Participants) against the positions of other Executing Firm Customers that are recorded in the same Agent Clearing Member Omnibus Account in determining a Final Net Settlement Position.⁸⁶ Finally, Section 8(e) of GSD Rule 8 would provide that with respect to any amount due to a Segregated Indirect Participant that is an Executing Firm Customer, FICC would make such payment to or as directed by the Agent Clearing Member or its trustee or receiver.⁸⁷

Liquidation of Agent Clearing Transactions

FICC proposes to add a new Section 9 to GSD Rule 8 to describe the ability of FICC and Agent Clearing Members to liquidate the done-with Agent Clearing Transactions of an Executing Firm Customer and outline the operation of that liquidation.⁸⁸ Overall, proposed Section 9 of GSD Rule 8 would align with the parallel provisions in GSD Rule 3A that address the voluntary liquidation of Sponsored Member Trades, except with respect to the Sponsoring Member Guaranty and to reflect that unlike Sponsored Members, Executing Firm Customers are not GSD members.⁸⁹

Section 9(a) of GSD Rule 8 would provide that liquidation can only occur if the Agent Clearing Member is not a Defaulting Member, FICC has not ceased to act for the Agent Clearing Member, and no Corporation Default has occurred.⁹⁰ Section 9(b) of GSD Rule 8 would provide that either the Agent Clearing Member or FICC may terminate the long and short Net Settlement Positions and Forward Net Settlement Positions of the Executing Firm Customer and the corresponding positions of the Agent Clearing Member.⁹¹ Section 9(b) of GSD Rule 8 would further provide that terminations would be finalized through the creation of a Final Net Settlement Position, representing the net obligations of the parties for each Eligible Netting Security.⁹² As originally filed, Section 9 of GSD Rule 8 would allow FICC to terminate some or all of the done-with Agent Clearing Transactions of an Executing Firm Customer. In Amendment No. 1, FICC would amend Section 9 of GSD Rule 8, as originally

proposed, to remove FICC's ability to liquidate Agent Clearing Transactions under this provision.⁹³ Unlike Sponsored Members, Executing Firm Customers are not limited members of FICC.⁹⁴ Therefore, under the amended proposal, FICC would only have the ability to settle, close-out, or (if the proposed rule change is approved) transfer Agent Clearing Transactions in the event FICC has ceased to act for an Agent Clearing Member.⁹⁵

Section 9(c) of GSD Rule 8 would provide for the calculation and settlement of liquidation amounts.⁹⁶ Specifically, the Executing Firm Customer Liquidation Amount and the corresponding Agent Clearing Member Liquidation Amount would be determined based on net positions, market prices, and any gains, losses, or costs incurred by the Agent Clearing Member.⁹⁷ Additionally, payments would be processed through a designated Agent Clearing Funds-Only Omnibus Account, with obligations automatically set off between FICC and the Agent Clearing Member.⁹⁸ Section 9(d) of GSD Rule 8 would require the Agent Clearing Member to indemnify FICC against any claims by Executing Firm Customers challenging the liquidation calculations.⁹⁹

As originally filed, Section 9 of GSD Rule 8 describes how Agent Clearing Members may liquidate an Executing Firm Customer's done-with Agent Clearing Transactions. In Amendment No. 1, FICC would amend Section 9 of GSD Rule 8, as originally proposed, to describe additional mechanisms through which Agent Clearing Members may liquidate both done-with and done-away transactions of Executing Firm Customers.¹⁰⁰ FICC proposes to add a new Section 9(c) to GSD Rule 8 regarding the Agent Clearing Service to include the same two additional liquidation mechanisms (*i.e.*, the Offsetting Transaction Mechanism and the Transfer Mechanism, collectively, the "ACM Liquidation Actions") that FICC proposes to add to GSD Rule 3A regarding the Sponsored Service described above.¹⁰¹

⁹³ See Notice of Amendment No. 1, *supra* note 9, 90 FR at 45853.

⁹⁴ See *id.*

⁹⁵ See *id.*

⁹⁶ See Notice of Filing, *supra* note 4, 90 FR at 26662–63.

⁹⁷ See *id.*

⁹⁸ See *id.*

⁹⁹ See Notice of Filing, *supra* note 4, 90 FR at 26663.

¹⁰⁰ See Notice of Amendment No. 1, *supra* note 9, 90 FR at 45851–52.

¹⁰¹ See *id.*

3. Close-Out Rules for Indirect Participant Activity

FICC proposes to expand the descriptions of the procedures set forth in GSD Rule 22A that apply following a Netting Member Default.¹⁰² Specifically, Section 2(a) of GSD Rule 22A would exclude from scope any Sponsored Member Trades or Agent Clearing Transactions that FICC determines to settle pursuant to GSD Rule 3A or GSD Rule 8.¹⁰³ Section 2(b) of GSD Rule 22A would address how FICC would close-out Indirect Participant activity.¹⁰⁴ These provisions would apply the close-out procedures to positions recorded in an Indirect Participants Account and specify how Final Net Settlement Positions would be determined, permitting FICC to net positions on an Indirect Participant-by Indirect Participant (*i.e.*, gross) basis and across Executing Firm Customers in a manner consistent with the proposed parallel provisions in GSD Rules 3A and 8 described above.¹⁰⁵

Additionally, FICC proposes to amend GSD Rule 22A to refine its authority to take market action on each Final Net Settlement Position of a Defaulting Member, including the discretion to decline to take market action when a Final Net Settlement Position has opposite directionality to another position established in the same security for the Defaulting Member or its Indirect Participants.¹⁰⁶ In such circumstances, FICC would determine the value of the positions through other market actions or by reference to available market data.¹⁰⁷

FICC also proposes to clarify that Indirect Participants may, but are not obligated to, take market action to close-out any outstanding positions that FICC determines to close-out pursuant to GSD Rule 3A or GSD Rule 8.¹⁰⁸ In Amendment No. 1, FICC would clarify its treatment of market action by Indirect Participants.¹⁰⁹ Specifically, Amendment No. 1 would amend GSD Rule 22A to provide that, with respect to any market action taken by an Indirect Participant, FICC will not require the Indirect Participant to report the data on any such market action to FICC (except to the extent otherwise set

¹⁰² See Notice of Filing, *supra* note 4, 90 FR at 26663.

¹⁰³ See *id.*

¹⁰⁴ See *id.*

¹⁰⁵ See *id.*

¹⁰⁶ See *id.*

¹⁰⁷ See *id.*

¹⁰⁸ See *id.*

¹⁰⁹ See Notice of Amendment No. 1, *supra* note 9, 90 FR at 45853.

⁸⁶ See *id.*

⁸⁷ See Notice of Filing, *supra* note 4, 90 FR at 26661–62.

⁸⁸ See Notice of Filing, *supra* note 4, 90 FR at 26662–63.

⁸⁹ See *id.*

⁹⁰ See Notice of Filing, *supra* note 4, 90 FR at 26662.

⁹¹ See *id.*

⁹² See *id.*

forth in the GSD Rules).¹¹⁰ Additionally, FICC will not incorporate such data into its calculation of any amount owing by or to the Defaulting Member or Indirect Participant to any greater extent than it would have done so in the absence of the statement proposed to be added to GSD Rule 22A by the proposed rule change.¹¹¹

FICC further proposes to expand the existing provision that allows FICC to offset losses with gains, which currently applies only to a Defaulting Member's Market Professional Cross-Margining Account, to provide that FICC may use gains realized from closing-out a Defaulting Member's Proprietary Transactions to offset losses associated with the close-out of Indirect Participant activity.¹¹² Finally, GSD Rule 22A would specify that FICC would include, without limitation, all costs and fees incurred in closing-out Final Net Settlement Positions when determining any resulting loss or liability, without changing FICC's existing rights or obligations.¹¹³

4. Default Management Rules Governing a Corporation Default

FICC proposes to amend GSD Rule 22A to clarify how Indirect Participant activity would be treated in the event of a Corporation Default.¹¹⁴ Specifically, GSD Rule 22B would apply to all Sponsored Member Trades and Agent Clearing Transactions, and the phrase "each relevant Member" would include Sponsored Members.¹¹⁵ Additionally, only Members with outstanding Novated Transactions would be required to take market action.¹¹⁶ Sponsored Members may appoint Sponsoring Members as agent to act on their behalf, and Agent Clearing Members may act for their Executing Firm Customers unless otherwise agreed.¹¹⁷ Either the Member or its agent would report market action results to FICC's Board.¹¹⁸

FICC also proposes to expand GSD Rule 22B to clarify how net amounts payable to or from a Member would be calculated.¹¹⁹ Indirect Participant claims would not be netted against amounts owed by their Sponsoring

Member or Agent Clearing Member.¹²⁰ Activity in Agent Clearing Member Omnibus Accounts (excluding Segregated Indirect Participant Accounts) would be netted across all Executing Firm Customers.¹²¹ Activity in Sponsoring Member Omnibus Accounts and Segregated Indirect Participant Accounts would be netted on an Indirect Participant-by-Indirect Participant (*i.e.*, gross) basis.¹²² Multiple net amounts may be calculated for a Netting Member intermediary to reflect separate amounts for its Indirect Participants.¹²³ Finally, FICC proposes to make corresponding changes to Section 17(a) (re-numbered Section 15(a)) of GSD Rule 3A to ensure payments to Sponsored Members following a Corporation Default would be made on a net basis for each Sponsored Member and Segregated Indirect Participant.¹²⁴

5. Porting Indirect Participant Activity

FICC proposes to adopt a new GSD Rule 26 that would describe the process by which an Indirect Participant's activity and, when applicable, Segregated Customer Margin, could be transferred between Sponsoring Members or Agent Clearing Members, both in the normal course of business and following the default of a Sponsoring Member or Agent Clearing Member.¹²⁵

Porting in the Normal Course of Business

Section 1 of GSD Rule 26 would govern the transfer of an Indirect Participant's activity and, where applicable, Segregated Customer Margin between Sponsoring Members or Agent Clearing Members in the normal course of business.¹²⁶ Section 1 of GSD Rule 26 would permit the transfer of all or part of an Indirect Participant's activity from a Sending Member (*i.e.*, the originating Sponsoring Member or Agent Clearing Member) to a Receiving Member (*i.e.*, the recipient Sponsoring Member or Agent Clearing Member).¹²⁷ Indirect Participants would only be able to transfer activity within the same type of Indirect Participants Account.¹²⁸ A Sending Member would submit the trades to FICC's real-time trade

matching system, and the Receiving Member would be deemed to accept the transfer by submitting matching data by the published deadline.¹²⁹ Transfers submitted by the deadline would be effective by the close of business on that day, while later submissions would take effect the following business day.¹³⁰

Section 1 of GSD Rule 26 would establish conditions for the transfer of Indirect Participant Activity, including (1) the Indirect Participant has completed onboarding with the Receiving Member, (2) the trades have been novated but not yet included in a Net Settlement Position, and (3) the Sending Member and Receiving Member have submitted and accepted the required trade data.¹³¹ FICC would maintain its lien on the Sending Member's Clearing Fund and, where applicable, Segregated Customer Margin until the Receiving Member satisfies the relevant margin requirements.¹³²

Additionally, Section 1 of GSD Rule 26 would establish conditions necessary for a Sending Member to transfer the Segregated Customer Margin deposits of a Segregated Indirect Participant to a Receiving Member.¹³³ Such conditions include that (1) all of the activity of the Segregated Indirect Participant is transferred from the Sending Member to a Segregated Indirect Participants Account of the Receiving Member, (2) the Sending Member has identified to FICC the cash deposit and Eligible Clearing Fund Securities to be transferred to the Receiving Member, and (3) the transfer is submitted to FICC in accordance within the applicable timeframes.¹³⁴ FICC would not process the transfer of Segregated Customer Margin if any of the foregoing conditions are not met.¹³⁵

Porting Following a Sponsoring Member or Agent Clearing Member Default

Section 2 of GSD Rule 26 would govern the transfer of Indirect Participant activity and, where applicable, Segregated Customer Margin, following the default of a Sponsoring Member or Agent Clearing Member.¹³⁶ Subject to applicable law,

¹²⁹ See *id.*

¹³⁰ See *id.*

¹³¹ See Notice of Filing, *supra* note 4, 90 FR at 26664–65.

¹³² See Notice of Filing, *supra* note 4, 90 FR at 26665.

¹³³ See *id.* Note H of Rule 15c3–3 under the Exchange Act requires Segregated Customer Margin to be funded with the cash and eligible securities of the Segregated Indirect Participant. See 17 CFR 240.15c3–3a.

¹³⁴ See Notice of Filing, *supra* note 4, 90 FR at 26665.

¹³⁵ See *id.*

¹³⁶ See *id.*

¹¹⁰ See *id.*

¹¹¹ See *id.*

¹¹² See Notice of Filing, *supra* note 4, 90 FR at 26663.

¹¹³ See *id.*

¹¹⁴ See Notice of Filing, *supra* note 4, 90 FR at 26663–64.

¹¹⁵ See Notice of Filing, *supra* note 4, 90 FR at 26664.

¹¹⁶ See *id.*

¹¹⁷ See *id.*

¹¹⁸ See *id.*

¹¹⁹ See *id.*

¹²⁰ See *id.*

¹²¹ See *id.*

¹²² See *id.*

¹²³ See *id.*

¹²⁴ See *id.*

¹²⁵ See Notice of Filing, *supra* note 4, 90 FR at 26664–65.

¹²⁶ See *id.*

¹²⁷ See Notice of Filing, *supra* note 4, 90 FR at 26664.

¹²⁸ See *id.*

FICC would attempt to transfer all or part of the Defaulting Member's Indirect Participant transactions to alternate Sponsoring Members or Agent Clearing Members.¹³⁷ FICC would retain discretion over such transfers, recognizing that circumstances such as bankruptcy court orders could limit FICC's ability to transfer activity, but the provisions would document in the GSD Rules FICC's intention to effect such transfers when possible and appropriate.¹³⁸

Section 2 of GSD Rule 26 would also provide that FICC's lien on a Defaulting Member's Clearing Fund would continue to secure the obligations of any transferred activity until the Receiving Member meets the required Sponsoring Member or Agent Clearing Member omnibus account deposits.¹³⁹ This provision would enable FICC to continue to manage the risks of such transferred activity.¹⁴⁰

As originally filed, Section 2 of GSD Rule 26 does not define what constitutes a "default" of a Netting Member intermediary that may result in involuntary porting of Indirect Participant positions. In Amendment No. 1, FICC would clarify that proposed Section 2 of GSD Rule 26 would apply in the event FICC ceases to act for a Sponsoring Member or Agent Clearing Member under the GSD Rules.¹⁴¹ Amendment No. 1 would also clarify that any transfer under Section 2 of GSD Rule 26 would require the consent of the Receiving Member.¹⁴²

6. Technical Updates and Corrections

FICC proposes several non-substantive technical changes and corrections to the GSD Rules.¹⁴³ FICC proposes to add a defined term for "Indirect Participant" to GSD Rule 1 that would refer to any Sponsored Member or Executing Firm Customer.¹⁴⁴ FICC also proposes to add a reference to proposed GSD Rule 26 in Section 17(b) (re-numbered Section 15(b)) of GSD Rule 3A applicable to Sponsoring Members and Sponsored Members.¹⁴⁵ Additionally, FICC proposes to change existing references to the term "Member" in GSD Rule 22A to "Defaulting Member" for accuracy.¹⁴⁶

FICC proposes to create additional subsections in Section 2 of GSD Rule 22A to improve its readability.¹⁴⁷

Finally, FICC would make a grammatical correction to Section 14(a) of GSD Rule 3A, correct a section reference in Section 18(e) (re-numbered Section 16(e)) of GSD Rule 3A, correct a typographical error in Section 2(b) of GSD Rule 8, and remove an unnecessary heading at the top of GSD Rule 22B.¹⁴⁸

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Exchange Act¹⁴⁹ 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 rules and regulations thereunder applicable to such organization. After carefully considering the proposed rule change, as modified by Amendment No. 1, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to FICC. In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 17A(b)(3)(F) of the Exchange Act¹⁵⁰ and Rules 17ad-22(e)(13), (e)(18)(iv)(C), (e)(19), and (e)(23)(i) thereunder.¹⁵¹

A. Consistency With Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Exchange Act requires that the rules of a clearing agency, such as FICC, be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions, and assure the safeguarding of securities and funds which are in the control of the clearing agency or for which it is responsible, and protect investors and the public interest.¹⁵²

As described above in Section I.B., FICC proposes to expand the default management provisions in the GSD Rules applicable to the Sponsored Service and Agent Clearing Service to more fully address the default scenarios of Netting Member intermediaries, Indirect Participants, and FICC. Additionally, FICC proposes to add provisions to the GSD Rules that govern

the porting of Indirect Participant activity between intermediary Netting Members, both in the normal course of business and following the default of an intermediary. Finally, FICC proposes several non-substantive technical updates and corrections to the GSD Rules.

As described above in Section I.B., FICC proposes changes to the GSD Rules that are designed to encourage and facilitate the utilization of GSD's clearance and settlement services by a greater number of market participants for transactions in U.S. Treasury securities, including for done-with and done-away transactions. Specifically, the proposed changes to adopt and expand the default management provisions in the GSD Rules would encourage participation in central clearing by improving market participants' understanding of FICC's default management procedures applicable to indirect access models and should help market participants better evaluate the fitness of such models for their individual needs. Currently, the GSD rules do not address the default of an Agent Clearing Member. These proposed changes should make clear how such a default would be administered. Additionally, the proposed changes to adopt rules that would govern porting Indirect Participant activity between intermediary Netting Members would further encourage participation in central clearing by providing market participants with a useful tool to manage their clearing relationships and trading activity.

The proposed changes should help extend the benefits of central clearing to a broader segment of the market, particularly to firms that would offer or participate through FICC's indirect access models. Bringing more securities transactions into central clearing would promote the prompt and accurate clearance and settlement of such transactions, providing benefits to FICC, FICC's participants, and the broader market. To the extent that the proposed changes would encourage greater participation in central clearing and improved understanding of the default management processes at FICC, the overall amount of counterparty credit risk in the securities markets would decrease. FICC would be able to risk-manage more transactions centrally, pursuant to risk management procedures that the Commission has reviewed and approved,¹⁵³ and FICC

¹³⁷ See *id.*

¹³⁸ See *id.*

¹³⁹ See *id.*

¹⁴⁰ See *id.*

¹⁴¹ See Notice of Amendment No. 1, *supra* note 9, 90 FR at 45853.

¹⁴² See *id.*

¹⁴³ See Notice of Filing, *supra* note 4, 90 FR at 26665.

¹⁴⁴ See *id.*

¹⁴⁵ See *id.*

¹⁴⁶ See *id.*

¹⁴⁷ See *id.*

¹⁴⁸ See *id.*

¹⁴⁹ 15 U.S.C. 78s(b)(2)(C).

¹⁵⁰ 15 U.S.C. 78q-1(b)(3)(F).

¹⁵¹ 17 CFR 240.17Ad-22(e)(13), 17 CFR 240.17Ad-22(e)(18)(iv)(C), 17 CFR 240.17Ad-22(e)(19), and 17 CFR 240.17Ad-22(e)(23)(i).

¹⁵² 15 U.S.C. 78q-1(b)(3)(F).

¹⁵³ See Section 19(b) of the Exchange Act and Rule 19b-4 thereunder.

would guarantee trade settlement in the event of a default.

Additionally, more central clearing would help market participants avoid potential disorderly default scenarios. A CCP, which has guaranteed both sides of a trade, is uniquely positioned to coordinate a defaulting participant's trades. The CCP's non-defaulting participants can rely on the CCP to complete the defaulting participant's trades and cover any resulting losses using the defaulting participant's resources and/or other default management tools. By contrast, defaults in bilaterally settled trades are likely to be less orderly and subject to variable default management techniques because bilaterally settled trades are not subject to default management processes that are required to be in place and publicly disclosed by a CCP, such as FICC.¹⁵⁴ Moreover, the increased specificity regarding FICC's default management processes should promote prompt and accurate clearance and settlement of securities transactions by ensuring that FICC and its participants can manage a default smoothly and with less risk to the market.

CCP rules that are clear, comprehensible, and more effectively describe the CCP's risk management procedures to market participants should encourage a broader scope of market participants to utilize the CCP's services, thereby promoting the prompt and accurate clearance and settlement of securities transactions, and protecting investors and the public interest, consistent with Section 17A(b)(3)(F) of the Exchange Act.¹⁵⁵ The proposed rule change, as modified by Amendment No. 1, is consistent with those objectives because improving market participants' understanding of FICC's default management procedures and providing market participants with porting tools to manage their clearing relationships and trading activity would encourage greater participation in central clearing, thereby

ensuring that a greater proportion of securities transactions are subject to the risk mitigation benefits of central clearing described above.

Moreover, the proposed changes to adopt and expand the default management provisions in the GSD Rules would provide clarity to better prepare market participants to deal with a participant default, resulting in a more orderly management of such an event, minimizing default losses and reducing potential risk to FICC and its non-defaulting participants. Accordingly, the proposed changes would ensure the safeguarding of securities and funds in FICC's custody or control, consistent with Section 17A(b)(3)(F) of the Exchange Act.¹⁵⁶

Finally, FICC's proposed technical updates and corrections to the GSD Rules would promote the prompt and accurate clearance and settlement of securities transactions and protect investors and the public interest by ensuring that the GSD Rules are clear and comprehensible, which would enable market participants to readily understand their rights and obligations in connection with FICC's clearance and settlement services.¹⁵⁷

1. Comments on Default Management Provisions for Done-Away Trades

As described above in Section I.B., the proposed rule change, as originally filed, would include default management provisions explicitly in the GSD Rules for cleared done-with trades. In that regard, commenters support the proposed rule change.¹⁵⁸

However, commenters request that FICC amend the proposed rule change to provide liquidation mechanisms in the GSD Rules for cleared done-away trades as well.¹⁵⁹ One such commenter states that FICC should amend the GSD

Rules to provide default procedures and close-out rules for done-away trading similar to those already established by derivatives clearing organizations, where done-away clearing is the norm.¹⁶⁰ The commenter requests that FICC amend the GSD Rules to expressly permit Netting Member intermediaries to either settle, transfer, liquidate, or offset a defaulting customer's done-away trades.¹⁶¹

Although FICC disagrees that the absence of express language in the GSD Rules regarding a Netting Member intermediary's ability to liquidate a customer's done-away trades precludes intermediaries from engaging in done-away clearing,¹⁶² FICC acknowledges that adding such provisions to the GSD Rules can further facilitate done-away clearing by providing market participants with greater clarity on the subject.¹⁶³ Accordingly, in Amendment No. 1 to the proposed rule change, FICC proposes to amend the GSD Rules to expressly provide for done-away clearing.¹⁶⁴ As described above in Section I.B., FICC proposes to add language to the GSD Rules that describes the SMP Liquidation Actions that Netting Member intermediaries may take to liquidate done-away transactions, *i.e.*, the Offsetting Transaction Mechanism and the Transfer Mechanism. FICC states that the Offsetting Transaction Mechanism is the principal means that clearing members at other CCPs have historically used to liquidate done-away customer positions.¹⁶⁵ FICC states that the Transfer Mechanism is an alternative

¹⁶⁰ See FIA Letter at 6–7 (citing the rulebooks of LCH SwapClear ("LCH") and ICE Clear Credit ("ICE")), *supra* note 158.

¹⁶¹ See FIA Letter at 2, 5–8 (stating that Netting Member intermediaries should have the ability to: transfer one or more positions of a defaulting customer to the Netting Member's proprietary account; transfer one or more positions of a defaulting customer to the proprietary account of another Netting Member or another Netting Member's customer; credit one or more positions to the customer's account that would offset or otherwise flatten the customer's open positions; or immediately settle the customer's positions by entering into offsetting trades (effectively liquidating such positions)); see also Letter from Katherine Darras, General Counsel, ISDA (Oct. 14, 2025) ("ISDA Letter II") at 2 (stating that Agent Clearing Members should have the ability to: cause FICC to transfer positions between the Agent Clearing Member's proprietary account and its Agent Clearing Member Omnibus Account; and continue to settle in the ordinary course one or more positions), *supra* note 5.

¹⁶² See FICC Letter at 5 (highlighting that a number of CCPs either do not include express liquidation mechanisms in their rulebooks, or include substantially more limited provisions than the commenter requests from FICC), *supra* note 6.

¹⁶³ See FICC Letter at 5, *supra* note 6.

¹⁶⁴ See Notice of Amendment No. 1, *supra* note 9, 90 FR at 45851–52.

¹⁶⁵ See FICC Letter at 7, *supra* note 6.

¹⁵⁴ A covered clearing agency, such as FICC, is required to establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, ensure that it has the authority and operational capacity to contain losses and liquidity demands and continue to meet its obligations, which must be tested annually, and publicly disclose all relevant rules and material procedures, including key aspects of its default rules and procedures. See Rule 17ad–22(e)(13) and (e)(23)(i). See also Covered Clearing Agency Standards Proposing Release, Exchange Act Release No. 71699 (Mar. 12, 2014), 79 FR 29507, 29545 (May 27, 2014) (stating that a CCP's default management procedures would provide certainty and predictability about the measures available to a CCP in the event of a default which would, in turn facilitate the orderly handling of member defaults and would enable members to understand their obligations to the CCP in extreme circumstances).

¹⁵⁵ 15 U.S.C. 78q–1(b)(3)(F).

¹⁵⁶ See *id.*

¹⁵⁷ See *id.*

¹⁵⁸ See Letter from Allison Lurton, General Counsel and Chief Legal Officer, FIA (July 14, 2025) ("FIA Letter") at 2–3, *supra* note 5; Letter from Katherine Darras, General Counsel, ISDA (July 14, 2025) ("ISDA Letter I") at 1, *supra* note 5.

¹⁵⁹ See ISDA Letter I at 2, *supra* note 158 (stating that such rules would be critical to ensuring the viability of done-away clearing at FICC); FIA Letter at 2–8, *supra* note 158 (stating that the absence of such rules would: leave Netting Member intermediaries without clear authority to close-out or otherwise manage a defaulting customer's done-away trades; render done-away clearing unacceptably risky because Netting Member intermediaries would be unable to effectively plan for a customer default; create doubts as to whether done-away trades would be treated as subject to a "qualifying master netting agreement" ("QMNA")—a precondition to obtaining favorable netting and regulatory capital treatment; and make it more challenging to price done-away clearing services because Netting Member intermediaries would not know their protections in a customer default scenario).

preferred by market participants in certain circumstances.¹⁶⁶

FICC states that it is not necessary, at this time, to describe additional liquidation mechanisms in the GSD Rules to facilitate done-away clearing.¹⁶⁷ Regarding the commenter's specific requests (e.g., liquidation via settlement), FICC states that the commenter has not described how such mechanisms would function or what use-case such mechanisms would serve.¹⁶⁸ FICC acknowledges the possibility that other mechanisms may be necessary or beneficial to provide market participants with greater flexibility or to address particular regulatory or operational requirements.¹⁶⁹ However, before proposing an additional liquidation mechanism in the GSD Rules, FICC cites the need to ensure that it has the operational capacity to support such mechanism and an understanding of how the mechanism would operate from a risk-management, legal, operational, and practical perspective.¹⁷⁰

The proposed changes in Amendment No. 1 to include explicit liquidation provisions for done-away transactions in the GSD Rules largely address the commenters' requests.¹⁷¹ The Commission agrees that the proposed changes in Amendment No. 1 provide greater clarity and certainty to enable market participants to offer and engage in done-away clearing.

Additionally, the Commission agrees that FICC need not amend the GSD Rules to include additional liquidation mechanisms for done-away transactions at this time. First, express liquidation provisions are not necessary to permit Netting Member intermediaries to effect transactions otherwise permitted under the GSD Rules. As cited by FICC above, the GSD Rules currently permit a Netting Member intermediary to liquidate a customer's positions by entering into offsetting transactions in the customer's account or settling a

customer's transactions.¹⁷² Second, FICC expresses a willingness to consider adding other liquidation mechanisms to the GSD Rules in the future, based on fully developed use-cases and analyses of the risk-management, legal, operational, and practical implications of such mechanisms.¹⁷³ The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the Exchange Act and the rules thereunder.¹⁷⁴ The absence of additional done-away liquidation mechanisms from the GSD Rules does not render the proposed rule change inconsistent with the Exchange Act or the rules thereunder.

One commenter requests that FICC amend the GSD Rules to contain provisions allowing Netting Member intermediaries to engage in any liquidation mechanism without the consent of a defaulting customer. In response, FICC states that the bilateral agreement between the Netting Member and its customer should govern such terms between the parties, not the GSD Rules.¹⁷⁵

The Commission agrees that FICC need not amend the GSD Rules to expressly permit Netting Member intermediaries to liquidate customer positions without customer consent. Market participants should generally have the flexibility to determine the negotiable aspects of their relationships in their bilateral agreements.¹⁷⁶

Commenters also request that FICC amend the GSD Rules to clarify that a Netting Member intermediary acts as principal (i.e., not as agent) for a defaulting customer when the Netting Member intermediary closes-out or otherwise takes action with respect to

the defaulting customer's trades.¹⁷⁷ Commenters state that this clarification would ensure the enforceability of the Netting Member's remedies across an array of jurisdictions.¹⁷⁸

In response, FICC states that whether a Netting Member intermediary acts as an agent for its customer or as principal generally depends on the bilateral agreement and substance of the relationship between the two parties, not on the views or intent of a third party, such as FICC.¹⁷⁹ To support its position, FICC cites the absence of such provisions from other CCP rulebooks.¹⁸⁰ Additionally, FICC notes that the Accounting Committee Working Group of the Securities Industry and Financial Markets Association ("SIFMA") recently published a white paper to facilitate market participants' accounting analyses of FICC-cleared transactions including done-away trades.¹⁸¹ The Accounting White Paper's conclusions are premised on certain assumptions and understandings regarding the capacity in which an Agent Clearing Member acts when submitting, carrying, and clearing Agent Cleared Transactions and the terms contained in the bilateral agreement between the Agent Clearing Member and its Executing Firm Customer.¹⁸² FICC states that it would not be appropriate or consistent with FICC's regulatory requirements to prescribe capacity requirements that could disrupt or raise a question about a Netting Member intermediary's ability to structure its relationship in a manner consistent with the Accounting White Paper.¹⁸³

The Commission agrees that FICC need not amend the GSD Rules to expressly provide that a Netting Member acts as principal (i.e., not as agent) when liquidating a customer's transactions. Market participants should generally have the flexibility to determine the negotiable aspects of their relationships in their bilateral agreements.¹⁸⁴ This is consistent with

¹⁶⁶ See *id.* (describing situations in which a customer's portfolio is too large and complex, such that transferring the portfolio to the clearing member's proprietary account would enable the clearing member to use portfolio hedges and macro-unwinds rather than offsetting transactions or in which the customer is from a jurisdiction where the legal regime does not clearly support an offsetting mechanism).

¹⁶⁷ See FICC Letter at 7–8, *supra* note 6.

¹⁶⁸ See *id.*

¹⁶⁹ See *id.*

¹⁷⁰ See *id.*

¹⁷¹ Indeed, following FICC's filing of Amendment No. 1, one commenter submitted a supportive follow-up comment letter, urging the Commission's approval and FICC's implementation of the amended proposed rule change. See ISDA Letter II at 1, *supra* note 161.

¹⁷² See FICC Letter at 5–6 (citing Section 6–9 of GSD Rule 3A and Sections 5(a), 6(b), and 6(d) of GSD Rule 8), *supra* note 6.

¹⁷³ See FICC Letter at 7–8, *supra* note 6.

¹⁷⁴ See 15 U.S.C. 78s(b)(2)(C)(i).

¹⁷⁵ See FICC Letter at 8–9, *supra* note 6.

¹⁷⁶ See e.g., 2024 SIFMA Master Treasury Securities Clearing Agreement: Done-With ("SIFMA Treasury Clearing Agreement"), Section 4(b)(i), available at <https://www.sifma.org/wp-content/uploads/2024/09/2024-SIFMA-Master-Treasury-Securities-Clearing-Agreement-Done-With.pdf> (providing the Clearing Member sole discretion to exercise termination, liquidation, and other rights in the event of a customer default); see also Account Treatment for UST Repo Transactions Cleared Through FICC, (Sept. 11, 2025), available at https://www.sifma.org/wp-content/uploads/2025/09/Public-SIFMA-Accounting-UST-Clearing-Whitepaper_final.pdf ("Accounting White Paper") at 2 (assuming that the bilateral agreement between intermediaries and customers would permit intermediaries to liquidate customer positions without customer consent in the event of a customer default).

¹⁷⁷ See FIA Letter at 2, 7–8, *supra* note 158; ISDA Letter II at 1, *supra* note 161.

¹⁷⁸ See *id.*

¹⁷⁹ See *id.*

¹⁸⁰ See FICC Letter at 9–10, *supra* note 6 (citing the rulebooks of CME, ICE, and OCC), *supra* note 158.

¹⁸¹ See *id.* (citing Accounting White Paper), *supra* note 176.

¹⁸² See FICC Letter at 9–10, *supra* note 6.

¹⁸³ See *id.*

¹⁸⁴ See e.g., SIFMA Treasury Clearing Agreement, Section 4(b)(i) (providing the Clearing Member sole discretion to exercise termination, liquidation, and other rights in the event of a customer default), *supra* note 176; see also Accounting White Paper at 2 (assuming that the bilateral agreement between intermediaries and customers would permit intermediaries to liquidate customer positions

the Commission's discussion in the Treasury Clearing Rules Adopting Release regarding the importance of not removing the ability of such intermediaries to determine which risks to take with respect to guaranteeing transactions to a CCP, in order to encourage Netting Member intermediaries to provide services that enable customers to access central clearing.¹⁸⁵

2. Comments on "Market Action" in Close-Out Scenarios

As described above in Section I.B., the proposed rule change, as originally filed, would amend GSD Rule 22A to clarify that FICC's right to take market action with respect to each Final Net Settlement Position of a Defaulting Member would include the right to decline to take market action to the extent that such position has opposite directionality to another position established in the same security for the Defaulting Member or its Indirect Participants. One commenter supports this clarification to the extent it provides greater detail regarding FICC's default management procedures.¹⁸⁶

However, the commenter notes that the term "market action" is not a defined term in the GSD Rules.¹⁸⁷ Additionally, the proposed rule change, as originally filed, would amend GSD Rule 22A to allow—but not require—the Indirect Participants of a Defaulting Netting Member intermediary to take market action to close-out any outstanding positions that FICC has determined to close-out. The commenter states that without defining the term "market action," the proposed rule change creates confusion and could create a chaotic wind-down process.¹⁸⁸ The commenter states that FICC's use of the Indirect Participant's market actions to determine the price of closed-out securities when FICC calculates Final Net Settlement Positions could yield inaccurate results and potential losses to FICC.¹⁸⁹ Moreover, the commenter states that there is no need for the GSD

Rules to allow Indirect Participants to take market action because they are already free to do so when such action does not otherwise violate the GSD Rules.¹⁹⁰ Accordingly, the commenter requests that FICC amend the GSD Rules to define the term market action to clarify the actions that Indirect Participants and FICC may take pursuant to the relevant provisions of GSD Rule 22A.¹⁹¹

FICC agrees that Indirect Participants are generally free to utilize cash and securities they receive under FICC-cleared transactions as they see fit, and that the proposed language in GSD Rule 22A to allow Indirect Participants to take market action to close-out positions would not alter their rights under the GSD Rules.¹⁹² However, FICC states that market participants have indicated it would be helpful for the GSD Rules to specify the circumstances in which an Indirect Participant may wish to take market action to limit its losses after FICC has ceased to act for the Indirect Participant's Netting Member intermediary.¹⁹³ Additionally, FICC states that nothing in the proposed rule change would provide for FICC to incorporate the results of any market action taken by an Indirect Participant into FICC's calculation of any amount owing by or to the Defaulting Member, contrary to the commenter's concerns.¹⁹⁴ Nonetheless, FICC states that adding further clarifying language to GSD Rule 22A regarding the treatment of market action by Indirect Participants would help market participants better understand FICC's intent.¹⁹⁵ Accordingly, as described above in Section I.B., Amendment No. 1 to the proposed rule would clarify GSD Rule 22A to provide that an Indirect Participant shall not (except to the extent otherwise set forth in the GSD Rules) be required to report the data on any market action taken pursuant to GSD Rule 22A to FICC, and FICC shall not incorporate such data into its calculation of any amount owing by or to the Defaulting Member or Indirect Participant to any greater extent than it would in the absence of the explicit language in the GSD Rules authorizing the Indirect Participant to take such market actions.

Furthermore, FICC states that it would not be appropriate or consistent with its regulatory obligations to dictate the manner in which an Indirect Participant

may take market action.¹⁹⁶ FICC states that based on its engagement with market participants, FICC understands that the standards to be followed by customers when taking market action following the default of a Netting Member intermediary is a matter that market participants may wish to negotiate between themselves within the context of their bilateral agreements.¹⁹⁷

The Commission agrees that if Indirect Participants have indicated that it is not always clear when they may wish to take market action to mitigate their losses, it is reasonable for FICC to clarify GSD Rule 22A to provide that the Indirect Participant may—but would not be required to—take market action after FICC has ceased to act for the Netting Member intermediary. Additionally, by explicitly clarifying GSD Rule 22A to provide that FICC would neither request nor use data regarding Indirect Participant market action, FICC's proposal in Amendment No. 1 should address the commenter's concern that FICC might use such data to determine Final Net Settlement Positions following a Netting Member intermediary default. Finally, consistent with the Commission's position that Netting Member intermediaries should have the flexibility to determine which risks to take when providing their customers access to central clearing,¹⁹⁸ the Commission agrees that Netting Member intermediaries and their customers should have the flexibility to determine between themselves the allowable types of market action Indirect Participants may take, rather than FICC prescribing a set of standards in the GSD Rules.

3. Comments on Porting

As described above in Section I.B., the proposed rule change, as originally filed, would add provisions to the GSD Rules that govern the porting of Indirect Participant activity between Netting Member intermediaries, both in the normal course of business and following an intermediary default. One commenter generally supports having clear, pre-established porting rules and arrangements in the GSD Rules.¹⁹⁹ However, the commenter states that some of the porting provisions, as proposed in the original filing, would magnify risk for Netting Member

without customer consent in the event of a customer default), *supra* note 176.

¹⁸⁵ See Securities Exchange Act Release No. 99149 (Dec. 13, 2023), 89 FR 2714 (Jan. 16, 2024) ("Adopting Release," and the rules adopted therein referred to herein as "Treasury Clearing Rules") at 2756–57 (rejecting a commenter's suggestion that would require clearing agencies to require their direct participants to transact with their customers in specific ways and limit their ability to offer certain types of pricing services).

¹⁸⁶ See FIA Letter at 8, *supra* note 158.

¹⁸⁷ See FIA Letter at 8–9, *supra* note 158.

¹⁸⁸ See *id.* Specifically, confusion stems from the possibility that Indirect Participants might arrive at different pricing using a variety of methods with little visibility, consistency, or clarity.

¹⁸⁹ See *id.*

¹⁹⁰ See *id.*

¹⁹¹ See *id.*

¹⁹² See FICC Letter at 11, *supra* note 6.

¹⁹³ See *id.*

¹⁹⁴ See *id.*

¹⁹⁵ See *id.*

¹⁹⁶ See FICC Letter at 12, *supra* note 6.

¹⁹⁷ See FICC Letter at 12–13 (citing SIFMA Treasury Clearing Agreement, Sections 4(f)(i) and 4(g), which address these matters and allow the parties to select certain options and agree on their preferred terms), *supra* note 6.

¹⁹⁸ See Adopting Release at 2756–57, *supra* note 185.

¹⁹⁹ See FIA Letter at 10, *supra* note 158.

intermediaries and, therefore, need revision.²⁰⁰

a. Default Porting; Receiving Member's Consent

Proposed Section 2 of GSD Rule 26 (regarding porting following an intermediary default), as originally filed, would not require a Receiving Member's consent to a Sending Member's transfer of Indirect Participant activity. The commenter requests that FICC revise the proposed rule change to require, as a condition of transfer under Section 2 of GSD Rule 26, the Receiving Member's consent to the transfer of the Indirect Participant's activity.²⁰¹ This clarification would help market participants avoid uncertainty and ensure that the necessary documentation and account structure is in place between the Indirect Participant and Receiving Member.²⁰²

FICC agrees that the commenter's suggestion would provide greater clarity regarding its default porting provisions and proposes to revise the GSD Rules accordingly.²⁰³ Specifically, as described above in Section I.B., Amendment No. 1 would revise proposed Section 2 of GSD Rule 26 to clarify that any transfer would require the Receiving Member's consent. The Commission agrees that the proposed changes in Amendment No. 1 provide greater clarity and address the commenter's request.

b. Indirect Participants Designating Preferred Receiving Members

The commenter requests that FICC revise the proposed rule change to permit Indirect Participants to designate, as a preference, another Netting Member intermediary as Receiving Member in the event FICC chooses to port the Indirect Participant's activity following an intermediary default.²⁰⁴ The commenter states that this revision would make porting more predictable for Indirect Participants, the Receiving Member, and FICC.²⁰⁵

FICC states that before proposing a specific mechanism to designate a preferred Receiving Member, FICC and market participants should engage to determine how to structure such a mechanism to ensure it achieves its intended purpose and the costs would not outweigh the benefits.²⁰⁶ FICC notes that it currently does not interface

directly with Indirect Participants.²⁰⁷ Therefore, FICC would either need to build a system to enable an Indirect Participant to notify FICC of its designation, or FICC would need to receive such designation from the Indirect Participant's current Netting Member intermediary, which could be challenging given the commercially sensitive nature of the designation.²⁰⁸ Additionally, FICC states that in a default scenario, FICC would likely need to transfer the positions of a potentially large number of Indirect Participants in an extremely short timeframe.²⁰⁹ FICC states that such challenges may limit the benefits of Indirect Participants designating their preferred Receiving Members.²¹⁰ Nonetheless, FICC states that such designations could facilitate either bulk or individual transfers to preferred Receiving Members, thereby assisting FICC in managing a default and enabling Indirect Participants to face their preferred Receiving Members.²¹¹

The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the Exchange Act and the rules thereunder.²¹² The absence of a provision in the GSD Rules allowing Indirect Participants to designate their preferred Receiving Members would not render the proposed rule change inconsistent with the Exchange Act or the rules thereunder.

c. Default Porting; All or Part of Indirect Participant's Transactions

Proposed Section 2 of GSD Rule 26, as originally filed, provides that FICC may transfer all or part of an Indirect Participant's transactions of a defaulting intermediary, along with associated Segregated Customer Margin. The commenter states that FICC's transfer of some Indirect Participant activity could result in a margin deficiency or otherwise expose the defaulting intermediary to additional loss.²¹³ Accordingly, the commenter requests that FICC revise the proposed rule change to provide that FICC may only transfer Indirect Participant activity to the extent it would not result in a

margin deficiency and would be risk-mitigating for the defaulting intermediary.²¹⁴

FICC states that such a restriction on its ability to effectuate a transfer is unnecessary considering that FICC's regulatory obligations already preclude FICC from unnecessarily increasing risk to itself or its participants.²¹⁵ FICC also states that such a restriction is not appropriate because managing a default requires flexibility.²¹⁶ FICC states that in light of its regulatory obligations to minimize risk,²¹⁷ FICC would not generally anticipate effectuating porting in a way that would result in a margin deficiency or otherwise increase risk to FICC or a Defaulting Member.²¹⁸ However, considering the potential volatility of a default scenario, FICC states it would not be beneficial from a risk management perspective to constrain its ability to port positions as the commenter suggested.²¹⁹ Instead, FICC states that it needs flexibility (within its regulatory guiderails) to address unique default scenarios in a manner that would limit losses to FICC and its participants.²²⁰

The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the Exchange Act and the rules thereunder.²²¹ The lack of provisions in the GSD Rules that FICC may only transfer Indirect Participant activity to the extent it would not result in a margin deficiency and would be risk-mitigating for the defaulting intermediary is not inconsistent with the Act and the rules thereunder.

The Commission agrees that FICC's regulatory obligations would generally preclude FICC from taking action that would unnecessarily cause a participant's margin deficiency or otherwise expose the participant to

²¹⁴ See *id.*

²¹⁵ See FICC Letter at 13–15, *supra* note 6.

²¹⁶ See *id.*

²¹⁷ See e.g., 17 CFR 240.17ad–22(e)(3)

(requirement to maintain a sound risk management framework for comprehensively managing . . . risks that arise in or are borne by the covered clearing agency); 17 CFR 240.17ad–22(e)(6) (requirement to cover credit exposures to participants by establishing a risk-based margin system); 17 CFR 240.17ad–22(e)(16) (requirement to safeguard its own and its participants' assets); 17 CFR 240.17ad–22(e)(19) (requirement to identify, monitor, and manage the material risks to the covered clearing agency arising from arrangements in which firms that are indirect participants . . . rely on the services provided by direct participants to access its payment, clearing, or settlement facilities).

²¹⁸ See FICC Letter at 13–15, *supra* note 6.

²¹⁹ See *id.*

²²⁰ See *id.*

²²¹ See 15 U.S.C. 78s(b)(2)(C)(i).

²⁰⁷ See *id.*

²⁰⁸ See *id.*

²⁰⁹ See *id.*

²¹⁰ See *id.*

²¹¹ See *id.*

²¹² See 15 U.S.C. 78s(b)(2)(C)(i).

²¹³ See FIA Letter at 11 (describing a scenario in which a Defaulting Member's Sponsored Member has two offsetting Sponsored Member Trades, of which FICC decides to transfer only one to another Netting Member, causing the Defaulting Member to incur margin obligations for the trade that was not transferred), *supra* note 158.

²⁰⁰ See *id.*

²⁰¹ See *id.*

²⁰² See *id.*

²⁰³ See FICC Letter at 16, *supra* note 6.

²⁰⁴ See FIA Letter at 10, *supra* note 158.

²⁰⁵ See FIA Letter at 10–11, *supra* note 158.

²⁰⁶ See FICC Letter at 15, *supra* note 6.

additional loss.²²² Additionally, Section 17A(b)(3)(F) of the Exchange Act requires that the rules of a clearing agency, such as FICC, be designed to, among other things, assure the safeguarding of securities and funds which are in the control of the clearing agency or for which it is responsible.²²³ The Commission agrees that FICC should be able to manage a default flexibly, consistent with its regulatory obligations.

d. Normal Course Porting; All Segregated Customer Margin

Proposed Section 1(a) of GSD Rule 26 (regarding voluntary porting in the normal course of business), as originally filed, provides that all or a portion of an Indirect Participant's activity may be ported to a Receiving Member. However, proposed Section 1(d) of GSD Rule 26 only permits a transfer of Segregated Customer Margin if all of the Indirect Participant's activity is ported to the Receiving Member. The commenter states it does not understand why FICC believes all of the activity must be ported to effect the transfer of Segregated Customer Margin.²²⁴ Additionally, the commenter states that limiting the ability of an Indirect Participant to transfer a portion of its Segregated Customer Margin could result in delays and uncertainty because the Receiving Member would likely need to recalculate the associated Segregated Customer Margin Requirement and send it separately.²²⁵ Accordingly, the commenter requests that FICC revise the proposed rule change to allow the transfer of a portion of an Indirect Participant's Segregated Customer Margin.²²⁶

In response, FICC notes that Segregated Customer Margin is calculated on a portfolio basis (*i.e.*, in a way that recognizes risk offsets across the Segregated Indirect Participant's positions).²²⁷ As a result, if a portion of the Segregated Indirect Participant's positions were ported, the aggregate margin requirement for the ported and remaining positions would likely change.²²⁸ Accordingly, the partial transfer of Segregated Customer Margin would give rise to complexities regarding how to calculate that

portion.²²⁹ FICC would also need to consider the risks to itself and its participants, as well as its regulatory obligations and potentially significant operational changes to FICC's collateral management and risk systems.²³⁰ Moreover, FICC disagrees with the commenter's assertion that the limitation on partial porting of Segregated Customer Margin would cause delays due to the need for a Receiving Member to recalculate margin requirements.²³¹ First, as explained above, the Segregated Customer Margin requirement applicable to the ported positions would already need to be recalculated based on the risk profile of the resulting portfolio. Second, FICC performs such calculations, not the Receiving Member.

The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the Exchange Act and the rules thereunder.²³² The absence of provisions in the GSD Rules allowing the transfer of a portion of an Indirect Participant's Segregated Customer Margin would not render the proposed rule change inconsistent with the Exchange Act or the rules thereunder.

e. Excess Segregated Customer Margin

Proposed Section 1(a) of GSD Rule 26, as originally filed, provides for the movement of excess Segregated Customer Margin from the Sending Member to the Receiving Member. The commenter states this it is unclear what FICC means by "excess" in that context.²³³ Therefore, the commenter requests that FICC revise the proposed rule change to remove the word "excess" and instead, provide that FICC will update its books and records to reflect the movement of Segregated Customer Margin associated with the ported activity of the Segregated Indirect Participant.²³⁴

FICC explains that pursuant to proposed Section 1(a) of GSD Rule 26, Segregated Customer Margin would transfer from Sending Member to Receiving Member at the start of the Business Day following the Transfer Effective Time.²³⁵ At that time, the margin would be excess Segregated Customer Margin from the perspective of the Sending Member.²³⁶ Accordingly, FICC states that the word "excess"

provides important clarity and should remain in proposed Section 1(a) of GSD Rule 26.²³⁷

The Commission agrees that the use of the word "excess" provides clarity regarding the operation of the proposed porting rules.

f. Transferring Proprietary U.S. Treasury Securities

The commenter notes that a Netting Member intermediary is permitted to temporarily use proprietary U.S. Treasury securities to meet its Segregated Customer Margin Requirement in accordance with Section (b)(1)(iii) of Note H to SEC Rule 15c3-3a and Section 3 of GSD Rule 2B. The commenter requests that FICC clarify that any transfer of Segregated Customer Margin pursuant to proposed GSD Rule 26 would not include such proprietary U.S. Treasury securities (or any other assets that the SEC may permit Netting Member intermediaries to use temporarily for purposes of Note H).²³⁸

FICC states that such a prohibition would not be appropriate because it would constrain the ability of Netting Member intermediaries and their customers to agree bilaterally upon the circumstances and conditions of a transfer.²³⁹ As an example, FICC cites the SIFMA Treasury Clearing Agreement, which provides flexibility for intermediaries and their customers to agree on porting provisions, including limitations on the ability of customers to transfer prefunded margin.²⁴⁰ FICC also notes that other major U.S. CCP rulebooks do not prescribe such limitations.²⁴¹ Additionally, as noted above, proposed Section 1(d) of GSD Rule 26 would not allow partial transfers of Segregated Customer Margin. Therefore, a requirement that the entirety of transferred Segregated Customer Margin consist of Indirect Participant assets could limit or eliminate the ability of Indirect Participants to port their Segregated Customer Margin.²⁴² Finally, FICC states that imposing the commenter's requested limitation would require a significant operational build because FICC currently does not track whether Segregated Customer Margin contains such proprietary securities.²⁴³

The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that

²²² See *supra* note 217.

²²³ 15 U.S.C. 78q-1(b)(3)(F).

²²⁴ See FIA Letter at 11-12, *supra* note 158.

²²⁵ See *id.*

²²⁶ See *id.*

²²⁷ See FICC Letter at 17, *supra* note 6.

²²⁸ See *id.* For example, if the ported positions offset the risk of the remaining positions, the transfer could cause the aggregate margin requirements to increase.

²²⁹ See FICC Letter at 17, *supra* note 6.

²³⁰ See *id.*

²³¹ See *id.*

²³² See 15 U.S.C. 78s(b)(2)(C)(i).

²³³ See FIA Letter at 11-12, *supra* note 158.

²³⁴ See *id.*

²³⁵ See FICC Letter at 17, *supra* note 6.

²³⁶ See *id.*

²³⁷ See *id.*

²³⁸ See FIA Letter at 12, *supra* note 158.

²³⁹ See FICC Letter at 18, *supra* note 6.

²⁴⁰ See *id.*; SIFMA Treasury Clearing Agreement, Section 3(e)(iv), *supra* note 176.

²⁴¹ See FICC Letter at 18, *supra* note 6.

²⁴² See *id.*

²⁴³ See *id.*

the proposed rule change is consistent with the Exchange Act and the rules thereunder.²⁴⁴ The absence of provisions in the GSD Rules precluding the transfer of proprietary U.S. Treasury securities as Segregated Customer Margin would not render the proposed rule change inconsistent with the Exchange Act or the rules thereunder.

g. Timing of Receiving Member's Margin Obligations

Proposed Section 1(c) of GSD Rule 26, as originally filed, provides that a Sending Member's Clearing Fund and Segregated Customer Margin will continue to secure obligations arising from transferred Indirect Participant activity until the Receiving Member satisfies those requirements. The commenter expresses concern that the Sending Member would be required to fund the Receiving Member's margin obligations with respect to the transferred activity despite no longer carrying such activity.²⁴⁵ Therefore, the commenter requests that FICC revise the proposed rule change to provide that the transfer of Indirect Participant activity is conditional on the Receiving Member's posting sufficient margin to support the transferred activity by the Transfer Effective Time.²⁴⁶

FICC states that such a condition would not be appropriate because it would constrain the ability of Netting Member intermediaries and their customers to agree bilaterally upon the circumstances and conditions of a transfer.²⁴⁷ While intermediaries may prefer the commenter's condition, FICC explains that a customer may not, because waiting for the Receiving Member to post margin could delay the transfer, thereby diminishing the utility of the porting provisions.²⁴⁸ FICC states that such matters should be determined bilaterally between the parties based on their commercial, operational, regulatory, and risk requirements.²⁴⁹

The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the Exchange Act and the rules thereunder.²⁵⁰ The absence of provisions in the GSD Rules precluding the transfer of proprietary U.S. Treasury securities as Segregated Customer Margin would not render the proposed

rule change inconsistent with the Exchange Act or the rules thereunder.

h. Defaulting Member Status

Proposed Section 2 of GSD Rule 26, as originally filed, does not define what constitutes a "default" of a Netting Member intermediary that may result in involuntary porting of Indirect Participant positions. The commenter requests that FICC revise the proposed rule change to clarify that Section 2 of rule 26 would only apply in the event a Netting Member intermediary is a Defaulting Member as defined in the GSD Rules.²⁵¹

FICC agrees that the commenter's suggestion would provide greater clarity regarding its default porting provisions and proposes to revise the GSD Rules accordingly.²⁵² Specifically, as described above in Section I.B., Amendment No. 1 would revise the proposed rule change to clarify that Section 2 of GSD Rule 26 would apply in the event FICC ceases to act for a Netting Member intermediary. The Commission agrees that the proposed changes in Amendment No. 1 provide greater clarity and address the commenter's request.

4. Other Comments

a. FICC Liquidation of Agent Clearing Transactions

As described above in Section I.B., proposed Section 9 of GSD Rule 8, as originally filed, would allow FICC to terminate some or all of the done-with Agent Clearing Transactions of an Executing Firm Customer, provided that the Agent Clearing Member is not a Defaulting Member, FICC has not ceased to act for the Agent Clearing Member, and a Corporation Default has not occurred. In contrast, the parallel provision in GSD Rule 3A regarding the Sponsored Service allows FICC to terminate the done-with Sponsored Member Trades if similar conditions are met, plus the additional condition that the Sponsoring Member has not performed its obligations under the Sponsoring Member Guaranty.²⁵³ In the Notice of Filing, FICC explains that it did not propose a similar limitation in proposed Section 9 of GSD Rule 8 because there is no equivalent to the Sponsoring Member Guaranty in the Agent Clearing Service.²⁵⁴

One commenter expresses concern that FICC's discretion to liquidate done-

with Agent Clearing Transactions is too broad.²⁵⁵ Therefore, the commenter requests that FICC revise the proposed rule change to provide that FICC shall only have the right to terminate the positions of an Executing Firm Customer if (1) FICC has provided the notice described in proposed Section 3(h) of GSD Rule 8, and (2) the Agent Clearing Member has not performed its obligations relating to the Agent Clearing Transactions done on behalf of that Executing Firm Customer.²⁵⁶ Additionally, the commenter states FICC should not have the ability to terminate "some or all" of the positions of an Executing Firm Customer, even if FICC revises the proposed rule change to include the commenter's requested limitation above, because FICC's termination of some positions could result in the Agent Clearing Member facing a margin deficiency or other form of loss.²⁵⁷ Accordingly, the commenter requests that FICC revise proposed Section 9 of GSD Rule 8 to provide that FICC is permitted to terminate "all, but not fewer than all," of the positions of an Executing Firm Customer.²⁵⁸

FICC responds that its intent in proposed Section 9 of GSD Rule 8 was for the liquidation mechanism to be available exclusively to Agent Clearing Members, not FICC.²⁵⁹ Accordingly, as described above in Section I.B., Amendment No. 1 would revise the proposed rule change to remove the language allowing FICC to trigger a termination under Section 9 of GSD Rule 8. The Commission agrees that the proposed changes in Amendment No. 1 address the commenter's concern.

b. Intermediary Ability To Liquidate Some or All Positions

As described above in Section I.B., proposed Section 9 of GSD Rule 8, as originally filed, would allow an Agent Clearing Member to terminate some or all of the done-with Agent Clearing Transactions of an Executing Firm Customer and corresponding positions in the Agent Clearing Member's Dealer Account. However, the parallel provision in Section 18(b) of GSD Rule 3A currently allows a Sponsoring Member to terminate all, but not fewer than all, of a Sponsored Member's positions and corresponding positions

²⁵⁵ See FIA Letter at 13, *supra* note 158.

²⁵⁶ See *id.*

²⁵⁷ See FIA Letter at 13–14, *supra* note 158.

²⁵⁸ See *id.*

²⁵⁹ See FICC Letter at 20, *supra* note 6. FICC states that it would resolve the default of an Agent Clearing Member pursuant to other applicable GSD Rules (e.g., GSD Rule 22A, proposed GSD Rule 26), pursuant to which FICC may cease to act for an Agent Clearing Member. See *id.*

²⁴⁴ See 15 U.S.C. 78s(b)(2)(C)(i).

²⁴⁵ See FIA Letter at 12, *supra* note 158.

²⁴⁶ See *id.*

²⁴⁷ See FICC Letter at 19, *supra* note 6.

²⁴⁸ See *id.*

²⁴⁹ See *id.*

²⁵⁰ See 15 U.S.C. 78s(b)(2)(C)(i).

²⁵¹ See FIA Letter at 12–13, *supra* note 158.

²⁵² See FICC Letter at 16, *supra* note 6.

²⁵³ See Section 18(a)–(b) of GSD Rule 3A, *supra* note 3.

²⁵⁴ See Notice of Filing, *supra* note 4, 90 FR at 26662.

in the Sponsoring Member's Dealer Account.²⁶⁰ One commenter notes that FICC provides no explanation for this distinction between the Sponsored Service and Agent Clearing Service.²⁶¹ The commenter states that the flexibility to close-out some or all of an Indirect Participant's positions would benefit both types of Netting Member intermediaries.²⁶² Accordingly, the commenter requests that FICC revise Section 18(b) of GSD Rule 3A to allow a Sponsoring Member to terminate some or all of a Sponsored Member's positions.²⁶³

FICC agrees that the flexibility in proposed Section 9 of GSD Rule 8 that would allow an Agent Clearing Member to liquidate some or all Agent Clearing Transactions should also be available to Sponsoring Members.²⁶⁴ Accordingly, as described above in Section I.B., Amendment No. 1 would revise Section 18 (re-numbered Section 16) of GSD Rule 3A to provide Sponsoring Members the ability to liquidate some or all of the relevant Sponsored Member Trades. The Commission agrees that the proposed changes in Amendment No. 1 address the commenter's request.

c. Offsetting Agent Clearing Transactions and Sponsored Member Trades

One commenter notes that an Indirect Participant could be the customer of a Netting Member intermediary under both the Sponsored Service and the Agent Clearing Service.²⁶⁵ When such an Indirect Participant has amounts owing to or by FICC, the commenter states that to offset such amounts would be consistent with FICC's default management goals.²⁶⁶ The commenter requests that FICC revise the GSD Rules to allow a Netting Member intermediary to offset an Executing Firm Customer's Liquidation Amount against a Sponsored Member Liquidation Amount with respect to the same Indirect Participant.²⁶⁷

FICC disagrees and states that the ability of a Netting Member intermediary to net amounts owed between Agent Clearing Transactions and Sponsored Member Trades is not relevant to FICC's default management because FICC risk manages those portfolios separately and FICC's netting rights are independent of those of the

intermediary.²⁶⁸ Additionally, FICC states that whether or not an intermediary may net such amounts is a question that should be resolved between the intermediary and its customer in their bilateral agreement.²⁶⁹ Specifically, the parties should determine between themselves whether the intermediary may look to one portfolio of positions to satisfy the obligations arising from a separate portfolio based on the parties' respective legal, credit, regulatory, commercial, and other considerations.²⁷⁰ FICC does not believe it should prescribe rules that would prevent market participants from resolving such issues bilaterally.²⁷¹

The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the Exchange Act and the rules thereunder.²⁷² The absence of provisions in the GSD Rules for netting amounts owed between an Indirect Participant's separate portfolios in the Agent Clearing Service and the Sponsored Service would not render the proposed rule change inconsistent with the Exchange Act or the rules thereunder.

d. Clarification of Trade Status

One commenter requests that FICC revise the GSD Rule to clarify which done-with Sponsored Member Trades and Agent Clearing Transactions are eligible to be liquidated and which are considered settled.²⁷³ For example, the commenter states that FICC could clarify whether trades of an Indirect Participant that are in opposite directions on the same CUSIP offset or are considered settled (by virtue of their offset), and whether a trade is considered settled if the Netting Member intermediary's proprietary position with FICC originally linked with the Indirect Participant has settled.²⁷⁴

FICC responds that it does not understand what clarification the commenter seeks, but FICC expresses a willingness to engage further with the commenter (and other market participants) to address the commenter's specific concern.²⁷⁵

The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent

with the Exchange Act and the rules thereunder.²⁷⁶ The absence of clarification in the GSD Rules regarding which done-with Sponsored Member Trades and Agent Clearing Transactions are eligible to be liquidated and which are considered settled would not render the proposed rule change inconsistent with the Exchange Act or the rules thereunder.

e. Remove Reference to Segregated Indirect Participants

As described above in Section I.B., proposed Section 14(d)(ii) of GSD Rule 3A (regarding the close-out of Sponsored Member Trades), as originally filed, provides that "if any amount is due to a Segregated Indirect Participant that is a Sponsored Member, the Corporation shall make such payment to or as directed by the Sponsoring Member or its trustee or receiver." One commenter states that FICC's intent is unclear because payment to a Segregated Indirect Participant that is a Sponsored Member would always be directed by the Sponsoring Member, its trustee, or receiver.²⁷⁷ Therefore, the commenter requests that FICC clarify the intent of that provision.²⁷⁸

FICC agrees that if an amount is calculated and owing to the Sponsored Member, FICC would pay such amount to or as directed by the Sponsoring Member or its trustee or receiver, regardless of whether the Sponsored Member is a Segregated Indirect Participant.²⁷⁹ Accordingly, as described above in Section I.B., Amendment No. 1 would revise Section 14(d)(ii) of GSD Rule 3A to apply to Sponsored Members. The Commission agrees that the proposed changes in Amendment No. 1 address the commenter's request.

5. Conclusion

The proposed rule change, as modified by Amendment No. 1, would encourage greater participation in central clearing by improving market participants' understanding of FICC's default management procedures and providing market participants with porting tools to manage their clearing relationships and trading activity. Greater participation in central clearing would ensure that more securities transactions are subject to the risk mitigation benefits of central clearing. Accordingly, the proposed rule change, as modified by Amendment No. 1, is

²⁶⁰ See Section 18(b) of GSD Rule 3A, *supra* note 3.

²⁶¹ See FIA Letter at 14, *supra* note 158.

²⁶² See *id.*

²⁶³ See *id.*

²⁶⁴ See FICC Letter at 20–21, *supra* note 6.

²⁶⁵ See FIA Letter at 14–15, *supra* note 158.

²⁶⁶ See *id.*

²⁶⁷ See *id.*

²⁶⁸ See FICC Letter at 21, *supra* note 6.

²⁶⁹ See *id.*

²⁷⁰ See *id.*

²⁷¹ See *id.*

²⁷² See 15 U.S.C. 78s(b)(2)(C)(i).

²⁷³ See FIA Letter at 15, *supra* note 158.

²⁷⁴ See *id.*

²⁷⁵ See FICC Letter at 22, *supra* note 6.

²⁷⁶ See 15 U.S.C. 78s(b)(2)(C)(i).

²⁷⁷ See FIA Letter at 15, *supra* note 158.

²⁷⁸ See *id.*

²⁷⁹ See FICC Letter at 22, *supra* note 6.

consistent with Section 17A(b)(3)(F) of the Exchange Act because extending the benefits of central clearing to more securities transactions would ensure the prompt and accurate clearance and settlement of those transactions.²⁸⁰

Additionally, the proposed rule change, as modified by Amendment No. 1, would better prepare market participants to deal with default scenarios, resulting in more orderly management of such events, minimizing default losses and reducing potential risk to FICC and its non-defaulting participants. Accordingly, the proposed rule change, as modified by Amendment No. 1, would ensure the safeguarding of securities and funds in FICC's custody or control, consistent with Section 17A(b)(3)(F) of the Exchange Act.²⁸¹

B. Consistency With Rule 17ad-22(e)(13)

Rule 17ad-22(e)(13) under the Exchange Act requires that a covered clearing agency, such as FICC, establish, implement, maintain, and enforce written policies and procedures reasonably designed to ensure that the covered clearing agency has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations.²⁸²

As described above in Section I.B., FICC proposes to expand the default management provisions in the GSD Rules applicable to the Sponsored Service and Agent Clearing Service to more fully address the default scenarios of Netting Member intermediaries, Indirect Participants, and FICC. Additionally, FICC proposes to add provisions to the GSD Rules that govern the porting of Indirect Participant activity between intermediary Netting Members, both in the normal course of business and following the default of an intermediary.

Expanding the default management provisions in the GSD Rules would improve market participants' understanding of FICC's default management procedures. Adding provisions to the GSD Rules that govern porting would provide market participants with useful tools to manage their clearing relationships and trading activity, including in default scenarios. Together, FICC's proposals would better prepare market participants to deal with default scenarios, resulting in more orderly management of such events, minimizing default losses and reducing potential risk to FICC and its non-defaulting participants.

Accordingly, the proposed rule change, as modified by Amendment No. 1, is consistent with Rule 17ad-22(e)(13) because implementing rules that govern default management procedures would help ensure that FICC has the authority and capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations.²⁸³

C. Consistency With Rule 17ad-22(e)(18)(iv)(C)

Rule 17ad-22(e)(18)(iv)(C) under the Exchange Act requires that a covered clearing agency, such as FICC, establish, implement, maintain, and enforce written policies and procedures reasonably designed to establish objective, risk-based, and publicly disclosed criteria for participation, which, when the covered clearing agency provides central counterparty services for transactions in U.S. Treasury securities, ensure that it has appropriate means to facilitate access to clearance and settlement services of all eligible secondary market transactions in U.S. Treasury securities, including those of indirect participants.²⁸⁴

As described above in Section I.B., FICC proposes to expand the default management provisions in the GSD Rules applicable to the Sponsored Service and Agent Clearing Service to more fully address the default scenarios of Netting Member intermediaries, Indirect Participants, and FICC. Additionally, FICC proposes to add provisions to the GSD Rules that govern the porting of Indirect Participant activity between intermediary Netting Members, both in the normal course of business and following the default of an intermediary.

As described above in Section I.A., the Commission received comments on FICC's recent access model enhancement proposal requesting that FICC provide greater detail in the GSD Rules regarding the default management procedures under the indirect access models, including the ability to port Indirect Participant positions and margin between intermediaries.²⁸⁵ Commenters suggested that the absence of GSD Rule provisions that provide certainty to market participants regarding FICC's default management procedures (including porting) presents an obstacle to greater participation in central clearing.²⁸⁶

By enhancing the GSD Rules regarding the default management

provisions applicable to FICC's indirect access models, the proposed rule change, as modified by Amendment No. 1, would encourage greater participation in central clearing by improving market participants' understanding of how GSD would manage a default that may occur within GSD's indirect access models. Accordingly, the proposed rule change, as modified by Amendment No. 1, is consistent with Rule 17ad-22(e)(18)(iv)(C) because it would help facilitate access to FICC's clearance and settlement services of all eligible secondary market transactions in U.S. Treasury securities, including those of indirect participants.²⁸⁷

D. Consistency With Rule 17ad-22(e)(19)

Rule 17ad-22(e)(19) under the Exchange Act requires that a covered clearing agency, such as FICC, establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify, monitor, and manage the material risks to the covered clearing agency arising from arrangements in which firms that are indirect participants in the covered clearing agency rely on the services provided by direct participants to access the covered clearing agency's payment, clearing, or settlement facilities.²⁸⁸

As described above in Section I.B., FICC proposes to expand the default management provisions in the GSD Rules applicable to the Sponsored Service and Agent Clearing Service to more fully address the default scenarios of Netting Member intermediaries, Indirect Participants, and FICC. Additionally, FICC proposes to add provisions to the GSD Rules that govern the porting of Indirect Participant activity between intermediary Netting Members, both in the normal course of business and following the default of an intermediary.

Expanding the default management provisions in the GSD Rules would improve market participants' understanding of FICC's default management procedures. Adding provisions to the GSD Rules that govern porting would provide market participants with useful tools to manage their clearing relationships and trading activity, including in default scenarios. Together, FICC's proposals would better prepare market participants to deal with default scenarios, resulting in more orderly management of such events, minimizing default losses and reducing potential risk to FICC and its non-defaulting participants.

²⁸⁰ See 15 U.S.C. 78q-1(b)(3)(F).

²⁸¹ See *id.*

²⁸² 17 CFR 240.17ad-22(e)(13).

²⁸³ See 17 CFR 240.17ad-22(e)(13).

²⁸⁴ 17 CFR 240.17ad-22(e)(18)(iv)(C).

²⁸⁵ See *supra* note 10.

²⁸⁶ See *id.*

²⁸⁷ See 17 CFR 240.17ad-22(e)(18)(iv)(C).

²⁸⁸ 17 CFR 240.17ad-22(e)(19).

Accordingly, the proposed rule change, as modified by Amendment No. 1, is consistent with Rule 17ad-22(e)(19) because enhancing the GSD Rules regarding the default management provisions applicable to FICC's indirect access models would better enable FICC to manage the material risks arising from arrangements in which indirect participants rely on direct participants to access FICC's payment, clearing, and settlement facilities.²⁸⁹

E. Consistency With Rule 17ad-22(e)(23)(i)

Rule 17ad-22(e)(23)(i) under the Exchange Act requires that a covered clearing agency, such as FICC, establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for publicly disclosing all relevant rules and material procedures, including key aspects of its default rules and procedures.²⁹⁰

As described above in Section I.B., FICC proposes to expand the default management provisions in the GSD Rules applicable to the Sponsored Service and Agent Clearing Service to more fully address the default scenarios of Netting Member intermediaries, Indirect Participants, and FICC. Additionally, FICC proposes to add provisions to the GSD Rules that govern the porting of Indirect Participant activity between intermediary Netting Members, both in the normal course of business and following the default of an intermediary.

The proposed rule change, as modified by Amendment No. 1, is consistent with Rule 17ad-22(e)(23)(i) because it would more fully disclose key aspects of FICC's default rules and procedures.²⁹¹

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Exchange Act and in particular with the requirements of Section 17A of the Exchange Act²⁹² and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act²⁹³ that proposed rule change SR-FICC-2025-015, as modified by Amendment No. 1, be, and hereby is, *approved*.²⁹⁴

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹⁵

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-23333 Filed 12-18-25; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21383 and #21384; New York Disaster Number NY-20029]

Administrative Declaration of a Disaster for the State of New York

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of New York dated December 16, 2025.

Incident: Cottage Avenue Apartment Building Fire.

DATES: Issued on December 16, 2025.

Incident Period: November 23, 2025.

Physical Loan Application Deadline Date: February 17, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: September 16, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary County: Westchester.

Contiguous Counties:

New York: Bronx, Nassau, Orange, Putnam, Rockland.

Connecticut: Fairfield.

New Jersey: Bergen.

The Interest Rates are:

efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

²⁹⁵ 17 CFR 200.30-3(a)(12).

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 213835 and for economic injury is 213840.

The States which received an EIDL Declaration are Connecticut, New Jersey, New York.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025-23433 Filed 12-18-25; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[License No. 06/46-0344]

LiveOak Venture Partners 1A, L.P.; Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under Section 309 of the Small Business Investment Act of 1958, as amended, and 13 CFR 107.1900 of the Code of Federal Regulations to function as a small business investment company under the Small Business Investment Company license number 06/46-0344 issued to LiveOak Venture Partners 1A, L.P., said license is hereby declared null and void.

Paul Salgado,

Director, Investment Portfolio Management, Office of Investment and Innovation.

[FR Doc. 2025-23394 Filed 12-18-25; 8:45 am]

BILLING CODE 8026-09-P

²⁸⁹ See 17 CFR 240.17ad-22(e)(19).

²⁹⁰ 17 CFR 240.17ad-22(e)(23)(i).

²⁹¹ See 17 CFR 240.17ad-22(e)(23)(i).

²⁹² 15 U.S.C. 78q-1.

²⁹³ 15 U.S.C. 78s(b)(2).

²⁹⁴ In approving the proposed rule change, the Commission considered the proposals' impact on

DEPARTMENT OF STATE**[Public Notice: 12892]****Determination Pursuant to Section 451 of the Foreign Assistance Act of 1961**

Pursuant to section 451 of the Foreign Assistance Act of 1961 (the “Act”) (22 U.S.C. 2261) and section 1–100(a)(1) of Executive Order 12163, I hereby authorize, notwithstanding any other provision of law, the use of up to \$109,000,000 made available to carry out provisions of the Act (other than the provisions of chapter 1 of part I of the Act) to provide assistance authorized by part I of the Act to support the Armenia-Azerbaijan peace deal.

This Determination and the accompanying Memorandum of Justification shall be promptly reported to the Congress. This Determination shall be published in *the Federal Register*.

Dated: September 12, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025–23461 Filed 12–18–25; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE**[Delegation of Authority No. 607]****Delegation of Authority—Executive Order 14163 and Presidential Proclamation 10949**

By virtue of the authority vested in the Secretary of State by the laws of the United States, including Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), Executive Order 14163 of January 20, 2025, *Realigning the United States Refugee Admissions Program*, and Presidential Proclamation 10949 of June 4, 2025, *Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats*, I hereby delegate to the Assistant Secretary for Population, Refugees, and Migration, to the extent authorized by law, the authority under section 3(c) of said Executive Order to determine that the entry of such aliens as refugees is in the national interest and does not pose a threat to the security or welfare of the United States, and under section 4(d) of said Presidential Proclamation to determine that travel by a foreign national would serve a United States national interest.

The Secretary, Deputy Secretary, Deputy Secretary for Management and Resources, and the Under Secretary for Foreign Assistance, Humanitarian

Affairs, and Religious Freedom may exercise any function or authority delegated by this delegation.

This Delegation of Authority does not supersede or otherwise affect any other delegation of authority currently in effect and will be published in the **Federal Register**.

Dated: August 20, 2025.

Marco Rubio,

Secretary of State.

Editorial Note: This document was received for publication by the Office of the Federal Register on December 17, 2025.

[FR Doc. 2025–23458 Filed 12–18–25; 8:45 am]

BILLING CODE 4710–33–P

SURFACE TRANSPORTATION BOARD**[Docket No. FD 36898]****Mt. Rainier Railroad LLC—Acquisition and Change of Operator Exemption—City of Tacoma, Department of Public Works d/b/a Tacoma Rail Mountain Division, and City of Tacoma, Department of Public Utilities d/b/a Tacoma Rail**

Mt. Rainier Railroad LLC (MRSR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to: (1) acquire from the City of Tacoma, Wash., Department of Public Works d/b/a Tacoma Rail Mountain Division (TRMW) and operate approximately 33.59 miles of rail line extending from milepost 32.0M at Eatonville, Wash., to milepost 65.59M at Morton, Wash. (the Line); and (2) replace the City of Tacoma, Department of Public Utilities d/b/a Tacoma Rail (Tacoma Rail) as the common carrier service provider on the Line, thereby terminating Tacoma Rail’s common carrier status with respect to the Line.

According to the verified notice, MRSR is a subsidiary holding of the Western Forest Industries Museum (WFIM), and is not affiliated with any railroad common carriers.¹ The verified notice states that MRSR and TRMW have reached an agreement pursuant to which MRSR will purchase the Line from TRMW and, upon consummation of the transaction, assume exclusive common carrier operations over the Line in place of Tacoma Rail. The verified notice, which describes TRMW and Tacoma Rail as sister divisions of the City of Tacoma, further states that Tacoma Rail is a party to the proposed transaction and concurs with the

proposed change of common carrier operator on the Line.

MRSR certifies that it will not be contractually limited in its ability to interchange traffic with any third-party connecting carrier. MRSR further certifies that its projected annual revenues will not exceed \$5 million and will not result in MRSR’s becoming a Class I or Class II rail carrier. Under 49 CFR 1150.32(b), a change in operator requires that notice be given to shippers. MRSR states that there are currently no shippers to notify of the transaction and explains that the Line is currently inactive and has not been used by a shipper for over a year.

The earliest this transaction may be consummated is January 4, 2026, the effective date of the exemption (30 days after the verified notice was filed). MRSR states that it will consummate the transaction and offer common carrier service in place of Tacoma Rail on or after this date.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than December 26, 2025 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36898, must be filed with the Surface Transportation Board either via e-filing on the Board’s website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on MRSR’s representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.

According to MRSR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: December 16, 2025.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Stefan Rice,

Clearance Clerk.

[FR Doc. 2025–23403 Filed 12–18–25; 8:45 am]

BILLING CODE 4915–01–P

¹ The verified notice states that WFIM controls the Mt. Rainier Scenic Railroad, a non-common carrier tourist excursion operation.

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

[Docket No.: FAA–2020–0470; Summary Notice No. –2025–62]

Petition for Exemption; Summary of Petition Received; L&M Road Services LLC

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before January 8, 2026.

ADDRESSES: Send comments identified by docket number [FAA–2020–0470] using any of the following methods:

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

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

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time.

Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Liam Andrews, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2020–0470.

Petitioner: L&M Road Services LLC.

Section(s) of 14 CFR Affected:

§§ 61.3(a)(1)(i), 61.3(c)(1), 91.7(a), 91.119(c), 91.121, 91.151(b), 91.403(b), 91.405(a), 91.407(a)(1), 91.409(a)(1), 91.409(a)(2), 91.417(a), 91.417(b), 137.19(c), 137.19(d), 137.19(e)(2)(ii), 137.19(e)(2)(iii), 137.19(e)(2)(v), 137.31(a), 137.31(b), 137.33(a), 137.33(b), 137.41(c), and 137.42.

Description of Relief Sought: L&M Road Services LLC seeks to amend Exemption No. 21546B to allow commercial agricultural-related unmanned aircraft system (UAS) operations from a moving vehicle, currently prohibited in Condition and Limitation No. 30.

[FR Doc. 2025–23391 Filed 12–18–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0009]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 52 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss

of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before January 20, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2025–0009 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov, insert the docket number (FMCSA–2025–0009) in the keyword box and click “Search.” Next, choose the only notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery:* West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, fmcsamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2025–0009), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone

number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0009>. Next, choose the only notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to www.regulations.gov, insert the docket number (FMCSA–2025–0009) in the keyword box and click “Search.” Next, choose the only notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey

Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the “Department Wide System of Records Notices” link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of

consciousness provides that a person is physically qualified to drive a CMV if that person has “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control” a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.¹ In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.² The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual’s medical information and driving record in deciding whether to grant the exemption.

The 52 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Matthew Archer

Matthew Archer is a 31-year-old class R license holder in Colorado. He has a history of epilepsy and has been seizure free since January 4, 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since February 10, 2025. His physician states that they are supportive of him receiving an exemption.

¹ 49 CFR part 391, App.A.II.G, available at <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-391/appendix-Appendix%20A%20to%20Part%20391>.

² “Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,” Medical Expert Panel (Oct. 15, 2007), available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf>.

Scott Bair

Scott Bair is a 24-year-old class C license holder in California. He has a history of epilepsy and has been seizure free since October 1, 2021. He takes anti-seizure medication with the dosage and frequency remaining the same since 2021. His physician states that they are supportive of him receiving an exemption.

Rosemarie Black

Rosemarie Black is a 35-year-old class D license holder in Alaska. She has a history of epilepsy and has been seizure free since July 2, 2019. She takes anti-seizure medication with the dosage and frequency remaining the same since 2019. Her physician states that they are supportive of her receiving an exemption.

Roger Boll

Roger Boll is a 27-year-old class A commercial driver's license (CDL) holder in Missouri. He has a history of juvenile myoclonic epilepsy and has been seizure free since July 2020. He takes an anti-seizure medication with the dosage and frequency remaining the same since July 13, 2020. His physician states that they are supportive of him receiving an exemption.

Stephen Bridges

Stephen Bridges is a 32-year-old class D driver's license holder in South Carolina. He has a history of complex partial epilepsy and has been seizure free since May 10, 2020. He takes anti-seizure medication with the dosage and frequency remaining the same since 2020. His physician states that they are supportive of him receiving an exemption.

William Brock

William Brock is a 29-year-old class D driver's license holder in Tennessee. He has a history of complex partial seizures and has been seizure free since May 3, 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since November 2, 2022. His physician states that they are supportive of him receiving an exemption.

Cory Broyles

Cory Broyles is a 36-year-old class AM CDL holder in Georgia. He has a history of epilepsy and has been seizure free since August 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since February 2025. His physician states that they are supportive of him receiving an exemption.

Derick Buxton

Derick Buxton is a 33-year-old class C driver's license holder in Pennsylvania. He has a history of left frontal anaplastic astrocytoma and has been seizure free since March 19, 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since 2024. His physician states that they are supportive of him receiving an exemption.

Luis Castillo

Luis Castillo is a 56-year-old class A CDL holder in Colorado. He has a history of unspecified convulsions and has been seizure free since January 24, 2025. He takes anti-seizure medication with the dosage and frequency remaining the same since 2025. His physician states that they are supportive of him receiving an exemption.

Mandel Corbin

Mandel Corbin is a 56-year-old class CB CDL holder in Delaware. He has a history of nocturnal seizure disorder and has been seizure free since October 9, 2023. He takes an anti-seizure medication with the dosage and frequency remaining the same since October 9, 2023. His physician states that they are supportive of him receiving an exemption.

Hector Corrales

Hector Corrales is a 49-year-old class C driver's license holder in Pennsylvania. He has a history of generalized epilepsy and has been seizure free since September 2014. He takes anti-seizure medication with the dosage and frequency remaining the same since October 2023. His physician states that they are supportive of him receiving an exemption.

Mason Cross

Mason Cross is a 22-year-old class DV driver's license holder in Alabama. He has a history of idiopathic epilepsy and has been seizure free since May 21, 2021. He takes anti-seizure medication with the dosage and frequency remaining the same since July 28, 2021. His physician states that they are supportive of him receiving an exemption.

Shantel Dalton

Shantel Dalton is a 47-year-old regular operator license holder in Indiana. She has a history of an unprovoked seizure and has been seizure free since August 9, 2021. She takes an anti-seizure medication with the dosage and frequency remaining the same since 2021. Her physician states that they are

supportive of her receiving an exemption.

Brandon Daniel

Brandon Daniel is a 51-year-old class A license holder in Washington. He has a history of atypical meningioma and has been seizure free since October 6, 2023. He takes anti-seizure medication with the dosage and frequency remaining the same since 2023. His physician states that they are supportive of him receiving an exemption.

William Dearing

William Dearing is a 40-year-old class A CDL holder in Maryland. He has a history of epileptic seizures and has been seizure free since September 22, 2024. He takes an anti-seizure medication with the dosage and frequency remaining the same since September 23, 2024. His physician states that they are supportive of him receiving an exemption.

Devante Dunkle

Devante Dunkle is a 28-year-old class D license holder in Alabama. He has a history of epilepsy and has been seizure free since December 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Jeffrey Eggleston

Jeffrey Eggleston is a 59-year-old class CM1 license holder in California. He has a history of intracranial hemorrhage and has been seizure free since December 23, 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since January 2, 2025. His physician states that they are supportive of him receiving an exemption.

Loren Ehrich

Loren Ehrich is an 80-year-old class A CDL holder in Iowa. He has a history of nocturnal seizure and has been seizure free since February 5, 2024. He takes anti-seizure medication with the dosage and frequency remaining the same since February 2024. His physician states that they are supportive of him receiving an exemption.

Roberto Faltz

Roberto Faltz is a 55-year-old class C CDL holder in New Jersey. He has a history of localization related seizure and has been seizure free since February 15, 2025. He takes anti-seizure medication with the dosage and frequency remaining the same since February 15, 2025. His physician states

that they are supportive of him receiving an exemption.

John Freitag

John Freitag is a 39-year-old class F license holder in Missouri. He has a history of seizure disorder and has been seizure free since February 2021. He takes an anti-seizure medication with the dosage and frequency remaining the same for over 20 years. His physician states that they are supportive of him receiving an exemption.

Jonna Galicia

Jonna Galicia is a 22-year-old class C license holder in California. She has a history of complex partial epilepsy and has been seizure free since June 20, 2022. She takes an anti-seizure medication with the dosage and frequency remaining the same since July 6, 2022. Her physician states that they are supportive of him receiving an exemption.

Barry Harmon

Barry Harmon is a 67-year-old class D license holder in Kentucky. He has a history of seizures and has been seizure free since February 10, 2024. He takes an anti-seizure medication with the dosage and frequency remaining the same since February 2024. His physician states that they are supportive of him receiving an exemption.

Anisha Hemby

Anisha Hemby is a 46-year-old class B CDL holder in North Carolina. She has a history of seizure disorder and has been seizure free since October 21, 2024. She takes anti-seizure medication with the dosage and frequency remaining the same since October 21, 2024. Her physician states that they are supportive of her receiving an exemption.

John Kelley

John Kelley is a 45-year-old class DM regular license holder in Wisconsin. He has a history of seizures due to an oligodendroglioma and has been seizure free since June 15, 2019. He takes an anti-seizure medication with the dosage and frequency remaining the same since December 15, 2021. His physician states that they are supportive of him receiving an exemption.

Shane Kreh

Shane Kreh is a 23-year-old class C license holder in Maryland. He has a history of juvenile myoclonic epilepsy and has been seizure free since 2018. He takes anti-seizure medication with the dosage and frequency remaining the same since 2018. His physician states

that they are supportive of him receiving an exemption.

Freddy Lee

Freddy Lee is a 57-year-old class AM CDL holder in Alabama. He has a history of epilepsy and has been seizure free since October 2021. He takes anti-seizure medication with the dosage and frequency remaining the same since October 2021. His physician states that they are supportive of him receiving an exemption.

William London

William London is a 48-year-old class A CDL holder in California. He has a history of epilepsy and has been seizure free since June 2020. He takes an anti-seizure medication with the dosage and frequency remaining the same since June 2020. His physician states that they are supportive of him receiving an exemption.

Derrick Magwood

Derrick Magwood is a 40-year-old class E license holder in Florida. He has a history of provoked seizure and has been seizure free since 2019. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2019. His physician states that they are supportive of him receiving an exemption.

Clifton Marlow

Clifton Marlow is a 47-year-old class B CDL holder in Washington, DC. He has a history of meningitis and has been seizure free since October 2017. He takes anti-seizure medication with the dosage and frequency remaining the same since August 8, 2024. His physician states that they are supportive of him receiving an exemption.

Christian Martinez

Christian Martinez is a 47-year-old class D license holder in New Jersey. He has a history of seizure disorder and has been seizure free since 2022. He takes an anti-seizure medication with the dosage and frequency remaining the same since December 3, 2022. His physician states that they are supportive of him receiving an exemption.

Stephen Mazzali

Stephen Mazzali is a 72-year-old class A CDL holder in Idaho. He has a history of non-intractable epilepsy and has been seizure free since November 2020. He takes an anti-seizure medication with the dosage and frequency remaining the same since November 2020. His physician states that they are supportive of him receiving an exemption.

Vincenzo Mazzella

Vincenzo Mazzella is a 31-year-old class D license holder in New Jersey. He has a history of juvenile myoclonic seizures and has been seizure free since April 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 27, 2025. His physician states that they are supportive of him receiving an exemption.

Antonio Moreno

Antonio Moreno is a 48-year-old class A CDL holder in Nevada. He has a history of complex partial epilepsy and has been seizure free since December 8, 2022. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 25, 2024. His physician states that they are supportive of him receiving an exemption.

Eugene Nuss

Eugene Nuss is a 63-year-old class A CDL holder in Nebraska. He has a history of focal seizure disorder and has been seizure free since September 25, 2023. He takes anti-seizure medication with the dosage and frequency remaining the same since 2023. His physician states that they are supportive of him receiving an exemption.

Caleb Peavler

Caleb Peavler is a 28-year-old class D license holder in Kentucky. He has a history of seizure disorder and has been seizure free since June 2018. He takes an anti-seizure medication with the dosage and frequency remaining the same since Spring 2023. His physician states that they are supportive of him receiving an exemption.

Daiwik Rana

Daiwik Rana is a 24-year-old class D license holder in South Carolina. He has a history of epilepsy and has been seizure free since April 2022. He takes an anti-seizure medication with the dosage and frequency remaining the same since May 2022. His physician states that they are supportive of him receiving an exemption.

Antonio Reddick

Antonio Reddick is a 36-year-old class A CDL holder in Florida. He has a history of a single unprovoked seizure and has been seizure free since April 2022. He has never taken anti-seizure medication. His physician states that they are supportive of him receiving an exemption.

Preston Regier

Preston Regier is a 26-year-old regular driver's license holder in Indiana. He has a history of complex partial seizures and has been seizure free since May 2019. He takes anti-seizure medication with the dosage and frequency remaining the same since February 1, 2022. His physician states that they are supportive of him receiving an exemption.

Tyler Revermann

Tyler Revermann is a 29-year-old class D license holder in Minnesota. He has a history of epilepsy and has been seizure free since July 17, 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since February 19, 2022. His physician states that they are supportive of him receiving an exemption.

Michael Rice

Michael Rice is a 29-year-old class C license holder in Iowa. He has a history of epilepsy and has been seizure free since July 22, 2014. He takes an anti-seizure medication with the dosage and frequency remaining the same since September 2019. His physician states that they are supportive of him receiving an exemption.

Stuart Richardson

Stuart Richardson is a 56-year-old class B CDL holder in New York. He has a history of epilepsy and has been seizure free since December 2022. He takes an anti-seizure medication with the dosage and frequency remaining the same since November 9, 2023. His physician states that they are supportive of him receiving an exemption.

Kevin Riggensch

Kevin Riggensch is a 49-year-old class A license holder in Ohio. He has a history of partial idiopathic epilepsy and has been seizure free since October 12, 2019. He takes an anti-seizure medication with the dosage and frequency remaining the same since October 12, 2019. His physician states that they are supportive of him receiving an exemption.

Christopher Robb

Christopher Robb is a 37-year-old class A license holder in Oregon. He has a history of epilepsy and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2019. His physician states that they are supportive of him receiving an exemption.

Michael Sheets

Michael Sheets is a 43-year-old class C license holder in North Carolina. He has a history of epilepsy and has been seizure free since December 2020. He takes an anti-seizure medication with the dosage and frequency remaining the same since June 15, 2021. His physician states that they are supportive of him receiving an exemption.

Bobby Simpson

Bobby Simpson is a 52-year-old class DA CDL holder in Kentucky. He has a history of a glioblastoma and has been seizure free since December 20, 2023. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 4, 2024. His physician states that they are supportive of him receiving an exemption.

Timothy Stoddard

Timothy Stoddard is a 55-year-old class A CDL holder in Oregon. He has a history of focal seizure disorder and has been seizure free since February 26, 2025. He takes anti-seizure medication with the dosage and frequency remaining the same since February 26, 2025. His physician states that they are supportive of him receiving an exemption.

Carlos Tovar

Carlos Tovar is a 24-year-old class C license holder in Texas. He has a history of seizure disorder and has been seizure free since January 2, 2022. He takes an anti-seizure medication with the dosage and frequency remaining the same since November 11, 2024. His physician states that they are supportive of him receiving an exemption.

Joshua Trainum

Joshua Trainum is a 50-year-old class A CDL holder in Pennsylvania. He has a history of seizure disorder and has been seizure free since January 2018. He takes an anti-seizure medication with the dosage and frequency remaining the same since April 4, 2018. His physician states that they are supportive of him receiving an exemption.

Jose Luis Paz Vargas

Jose Luis Paz Vargas is a 62-year-old class A CDL holder in Illinois. He has a history of epilepsy and has been seizure free since November 20, 2020. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2020. His physician states that they are supportive of him receiving an exemption.

Alexander Verduzco

Alexander Verduzco is a 33-year-old class A CDL holder in California. He has a history of seizure disorder and has been seizure free since December 5, 2024. He takes an anti-seizure medication with the dosage and frequency remaining the same since February 2025. His physician states that they are supportive of him receiving an exemption.

David Vreeland

David Vreeland is a 51-year-old class A CDL holder in New York. He has a history of partial epilepsy and has been seizure free since October 17, 2023. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2023. His physician states that they are supportive of him receiving an exemption.

Thurston Wicklund

Thurston Wicklund is a 56-year-old class B CDL holder in Minnesota. He has a history of transient neurologic symptoms and has been seizure free since July 5, 2023. He takes anti-seizure medication with the dosage and frequency remaining the same since 2023. His physician states that they are supportive of him receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025-23478 Filed 12-18-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2025-0919]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Training Certification for Drivers of Longer Combination Vehicles

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval and invites public comment. FMCSA requests approval to renew an ICR titled, "Training Certification for Drivers of Longer Combination Vehicles," OMB Control No. 2126-0026. This ICR relates to Agency requirements for drivers to be certified to operate longer combination vehicles (LCVs), and associated recordkeeping requirements that motor carriers must satisfy before permitting their drivers to operate LCVs. Motor carriers, upon inquiry by authorized Federal, State, or local officials, must produce an LCV Driver-Training Certificate for each of their LCV drivers.

DATES: Comments on this notice must be received on or before February 17, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2025-0919 using any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

- **Fax:** (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Bernadette Walker, FMCSA, Driver and Carrier Operations Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 385-2415; bernadette.walker@dot.gov.

SUPPLEMENTARY INFORMATION:

Instructions

All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments

received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Public Participation and Request for Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2025-0919), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0919/document>, click on this notice, click "Comment," and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edits and are searchable by the name of the submitter.

Background

An LCV is any combination of a truck-tractor and two or more semi-trailers or trailers that operates on the National System of Interstate and Defense Highways (according to 23 CFR part 470.107) and has a gross vehicle weight greater than 80,000 pounds. To enhance the safety of LCV operations on our Nation's highways, section 4007(b) of the Motor Carrier Act of 1991 directed the Secretary of Transportation to establish Federal minimum training

requirements for drivers of LCVs (Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240, 105 Stat. 1914, 2152). The Secretary of Transportation delegated responsibility for establishing these requirements to FMCSA (49 CFR part 1.87), and on March 30, 2004, after appropriate notice and solicitation of public comment, FMCSA established the current training requirements for operators of LCVs (69 FR 16722). The regulations bar motor carriers from permitting their drivers to operate an LCV if they have not been properly trained in accordance with the requirements of § 380.113. Drivers receive an LCV Driver-Training Certificate upon successful completion of these training requirements. Motor carriers employing an LCV driver must verify the driver's qualifications to operate an LCV and must maintain a copy of the LCV Driver-Training Certificate and present it to authorized Federal, State, or local officials upon request.

Renewal of This Information Collection (IC)

The current burden estimate associated with this IC, approved by OMB on July 3, 2023, is 4,360 hours. The expiration date of the current ICR is July 31, 2026. Through this ICR renewal, the Agency requests an increase in the burden hours from 4,360 hours to 4,959 hours. The increase is the result of the increase in estimated driver population as well as the increase in expected industry growth rate for drivers from 2024 to 2034.

Title: Training Certification for Drivers of LCVs.

OMB Control Number: 2126-0026.

Type of Request: Renewal of an information collection.

Respondents: LCV training providers, drivers, and motor carriers employing LCV drivers.

Estimated Number of Respondents: 59,333, consisting of 178 LCV training providers, 178 newly certified LCV drivers seeking employment, 29,400 currently certified LCV drivers seeking employment, and 29,577 motor carriers employing LCV drivers.

Estimated Time per Response: 10 minutes for preparation of LCV Driver-Training Certificates for drivers who successfully complete the LCV training, and 10 minutes for activities associated with the LCV Driver-Training Certificate during the hiring process.

Expiration Date: July 31, 2026.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 4,959.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Jonathan Mueller,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2025-23325 Filed 12-18-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0384; FMCSA-2016-0002; FMCSA-2017-0058; FMCSA-2018-0136; FMCSA-2018-0138; FMCSA-2018-0139; FMCSA-2019-0109; FMCSA-2019-0110; FMCSA-2021-0014; FMCSA-2023-0022; FMCSA-2023-0024]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 21 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before January 20, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA-2014-0384, FMCSA-2016-0002, FMCSA-2017-0058, FMCSA-2018-0136, FMCSA-2018-0138, FMCSA-2018-0139, FMCSA-2019-0109, FMCSA-2019-0110, FMCSA-2021-0014, FMCSA-2023-0022, or FMCSA-2023-

0024, as appropriate, using any of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov, insert the docket number (FMCSA-2014-0384, FMCSA-2016-0002, FMCSA-2017-0058, FMCSA-2018-0136, FMCSA-2018-0138, FMCSA-2018-0139, FMCSA-2019-0109, FMCSA-2019-0110, FMCSA-2021-0014, FMCSA-2023-0022, or FMCSA-2023-0024) in the keyword box and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery:** West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- **Fax:** (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, (202) 366-0421, fmcamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2014-0384, FMCSA-2016-0002, FMCSA-2017-0058, FMCSA-2018-0136, FMCSA-2018-0138, FMCSA-2018-0139, FMCSA-2019-0109, FMCSA-2019-0110, FMCSA-2021-0014, FMCSA-2023-0022, or FMCSA-2023-0024), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email

address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to www.regulations.gov, insert the docket number (FMCSA-2014-0384, FMCSA-2016-0002, FMCSA-2017-0058, FMCSA-2018-0136, FMCSA-2018-0138, FMCSA-2018-0139, FMCSA-2019-0109, FMCSA-2019-0110, FMCSA-2021-0014, FMCSA-2023-0022, or FMCSA-2023-0024) in the keyword box and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as "PROPIN" to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to www.regulations.gov. Insert the docket number (FMCSA–2014–0384, FMCSA–2016–0002, FMCSA–2017–0058, FMCSA–2018–0136, FMCSA–2018–0138, FMCSA–2018–0139, FMCSA–2019–0109, FMCSA–2019–0110, FMCSA–2021–0014, FMCSA–2023–0022, or FMCSA–2023–0024) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the “Department Wide System of Records Notices” link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal**

Register (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

III. Background

The physical qualification standard for drivers regarding hearing, found in 49 CFR 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)).

The 21 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 21 applicants has satisfied the renewal conditions for obtaining an exemption from the

hearing requirement. The 21 drivers in this notice remain in good standing with the Agency. In addition, the Agency has reviewed each applicant’s certified driving record from their State Driver’s Licensing Agency (SDLA). The information obtained from each applicant’s driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver’s ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equivalent to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of December and are discussed below.

As of December 11, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Jeromy Brand (AL)
Shaun Cannady (CA)
Mathias Conway (MI)
Wayne Crowl (IN)
Bryan Elzy (LA)
Kyesha Hemphill (MS)
Bradley Hess (WA)
Abdiwahab Olow (MN)
Matthew Moore (TX)
Leroy Raine (AL)
Michael Wilkes (MA)

The drivers were included in docket numbers FMCSA–2014–0384, FMCSA–2016–0002, FMCSA–2018–0139, FMCSA–2019–0010, FMCSA–2021–0014, FMCSA–2023–0022, or FMCSA–2023–0024. Their exemptions were applicable as of December 11, 2025, and will expire on December 11, 2027.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following 10 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Denis Ayers (MD)
Justin Brooks (WA)
Travis Davisson (IA)
Steven Gandee (PA)

Derek Hawkins (NH)
 James Johnson (MN)
 John Martikainen (CT)
 John Silvers (NY)
 Jeremy Williams (CA)
 Joseph Williams (MD)

The drivers were included in docket numbers FMCSA–2017–0058, FMCSA–2018–0136, FMCSA–2018–0138, FMCSA–2019–0109, or FMCSA–2019–0110. Their exemptions are applicable as of December 26, 2025, and will expire on December 26, 2027.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver (1) must report to FMCSA any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (2) must report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391, within 7 days of the citation and conviction; (3) must submit to FMCSA annual certified driving records from their SDLA; and (4) is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based upon its evaluation of the 21 exemption renewal applications, FMCSA renews the exemptions of the above-named drivers from the hearing requirement in 49 CFR 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid

for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025–23476 Filed 12–18–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0025]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before January 20, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2025–0025 using any of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov, insert the docket number (FMCSA–2025–0025) in the keyword box and click “Search.” Next, choose the only notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.

- **Hand Delivery:** West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- **Fax:** (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC

20590–0001, (202) 366–4001, fmcsamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2025–0025), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0025>. Next, choose the only notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be

placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to www.regulations.gov, insert the docket number (FMCSA–2025–0025) in the keyword box and click “Search.” Next, choose the only notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the “Department Wide System of Records Notices” link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments

submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

III. Background

The physical qualification standard for drivers regarding hearing, found in § 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)). In 2008, FMCSA published Evidence Report, “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.”¹ The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver’s license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash.

On February 1, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard

regarding hearing in 49 CFR 391.41(b)(11) (78 FR 3069). The Agency considers relevant scientific information and literature, the 2008 Evidence Report, “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety,” any public comments received, and each individual’s driving record in deciding whether to grant the exemption.

The 12 individuals listed in this notice have requested an exemption from the hearing standard in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

April Alvarez

Ms. Alvarez, 45, holds a class D driver’s license in Illinois.

Michael Bacarro

Mr. Bacarro, 44, holds a class C driver’s license in California.

Ogheneovo Evro

Mr. Evro, 44, holds a class C driver’s license in California.

Reno Lacy

Mr. Lacy, 73, holds a class A commercial driver’s license (CDL) in Arizona.

AD Lewter

Mr. Lewter, 80, holds a class AM CDL in Alabama.

Monte Nichols

Mr. Nichols, 59, holds a class ABCDM CDL in Wisconsin.

Leonardo Pupo

Mr. Pupo, 34, holds a regular driver’s license in Washington.

Ruben Santiago

Mr. Santiago, 73, holds a class E driver’s license in Florida.

Halo Warner

Mr. Warner, 22, holds a class D driver’s license in New Jersey.

Jeremy Watts

Mr. Watts, 32, holds a class DV driver’s license in Alabama.

Julie Young

Ms. Young, 50, holds a class O driver’s license in Michigan.

Dayne Zimmerman

Mr. Zimmerman, 36, holds a class C driver’s license in Pennsylvania.

¹ <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Hearing-Evidence-Report-FinalExecutive-Summary-prot.pdf>.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025-23477 Filed 12-18-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0013]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before January 20, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA-2025-0013 using any of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov, insert the docket number (FMCSA-2025-0013) in the keyword box and click "Search." Next, choose the only notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.
- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590-0001.
- **Hand Delivery:** West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC, 20590-0001

between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- **Fax:** (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, (202) 366-4001, fmcamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2025-0013), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0013>. Next, choose the only notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain

commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as "PROPIN" to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to www.regulations.gov, insert the docket number (FMCSA-2025-0013) in the keyword box and click "Search." Next, choose the only notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System), which can be reviewed under the "Department Wide System of Records Notices" link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant

exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control" a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.¹ In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.² The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate

whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The 12 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Joshua Bosworth

Mr. Bosworth is a 33-year-old class D license holder in South Carolina. He has a history of epilepsy and has been seizure free for more than 10 years. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2009. His physician states that they are supportive of him receiving an exemption.

Christian Cole

Mr. Cole is a 54-year-old class A commercial driver's license (CDL) holder in Rhode Island. He has a history of post traumatic epilepsy and has been seizure free since July 1996. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that they are supportive of him receiving an exemption.

Corey Gunderson

Mr. Gunderson is a 50-year-old class D regular license holder in Wisconsin. He has a history of a single unprovoked seizure and has been seizure free since April 2018. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2018. His physician states that they are supportive of him receiving an exemption.

Russell Jarchow

Mr. Jarchow is a 60-year-old class E license holder in Florida. He has a history of complex partial epilepsy and has been seizure free for over 40 years. He takes an anti-seizure medication

with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Kady Kraus

Ms. Kraus is a 33-year-old regular operator license holder in Indiana. She has a history of epilepsy and has been seizure free since 2010. She takes an anti-seizure medication with the dosage and frequency remaining the same since 2010. Her physician states that they are supportive of him receiving an exemption.

Thomas Nugent

Mr. Nugent is a 55-year-old enhanced license holder in Washington. He has a history of localization-related focal epilepsy and has been seizure free for over 10 years. He takes an anti-seizure medication with the dosage and frequency remaining the same since December 2019. His physician states that they are supportive of him receiving an exemption.

Ryan Phillips

Mr. Phillips is a 47-year-old class O license holder in Michigan. He has a history of epilepsy and has been seizure free since 2007. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2007. His physician states that they are supportive of him receiving an exemption.

Robert Pierce

Mr. Pierce is a 70-year-old class D license holder in Oklahoma. He has a history of seizure disorder and has been seizure free since 2010. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that they are supportive of him receiving an exemption.

Enmanuel Rodriguez

Mr. Rodriguez is a 37-year-old class A CDL holder in New Jersey. He has a history of focal epilepsy and has been seizure free since May 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2016. His physician states that they are supportive of him receiving an exemption.

Harman Rutledge

Mr. Rutledge is a 50-year-old class D license holder in South Carolina. He has a history of seizures and has been seizure free since November 16, 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since September

¹ 49 CFR part 391, App.A.II.G, available at <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-391/appendix-Appendix%20A%20to%20Part%20391>.

² "Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety," Medical Expert Panel (Oct. 15, 2007), available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf>.

2022. His physician states that they are supportive of him receiving an exemption.

Robert Tewes

Mr. Tewes is a 61-year-old class O license holder in Nebraska. He has a history of generalized idiopathic epilepsy and has been seizure free since 1999. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Robin Vinesett

Mr. Vinesett is a 64-year-old class A CDL holder in North Carolina. He has a history of seizure disorder and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since June 20, 2020. His physician states that they are supportive of him receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025-23480 Filed 12-18-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2020-0171]

Hours of Service of Drivers: Association of American Railroads and American Short Line and Regional Railroad Association; Application for Exemption Renewal

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of provisional renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to renew provisionally for six months the exemption requested by the Association of American Railroads and the American Short Line and Regional Railroad Association and member railroads (collectively “the Associations”) from the prohibitions against driving after the 14th hour from

the beginning of the work shift (the 14-hour rule) and against driving after accumulating 60 hours of on duty time within 7 consecutive days, or 70 hours of on duty time within 8 consecutive days (the 60-hour/70-hour rule). The exemption will enable the employees of the Associations’ member railroads, subject to the hours-of-service (HOS) rules, to respond to unplanned events that occur outside of, or extend beyond, an employee’s normal work hours. The Associations are seeking a five-year renewal of this exemption. FMCSA requests public comment on the application for exemption renewal.

DATES: The provisional renewal of the exemption is effective from December 18, 2025, and expires on June 18, 2026. Comments must be received on or before January 20, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2020-0171 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the Public Participation and Request for Comments section below for further information.
- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251.

Each submission must include the Agency name and the docket number (FMCSA-2020-0171) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information provided in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, Driver and Carrier Operations Division; Office of Carrier,

Driver and Vehicle Safety Standards, FMCSA; richard.clemente@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2020-0171), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2020-0171/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as

confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, insert FMCSA–2020–0171 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket by visiting Docket Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish notice of its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision(s) from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will

explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

Under 49 CFR 395.3(a)(2), a driver may not drive after a period of 14 consecutive hours after coming on-duty following 10 consecutive hours off-duty.

Under 49 CFR 395.3(b), no motor carrier shall permit or require a driver of a property-carrying commercial motor vehicle (CMV) to drive, nor shall any driver drive a property-carrying CMV, regardless of the number of motor carriers using the driver’s services, for any period after having been on duty 60 hours in any period of 7 consecutive days or 70 hours in any period of 8 consecutive days.

Application for Renewal of Exemption

The Associations seek a renewal of the exemption from 49 CFR 395.3(a)(2) and (b). The Associations believe the HOS prohibitions in the 14-hour rule and the 60-hour/70-hour rule inhibit a railroad’s ability to respond expeditiously to certain types of emergency situations. The Associations request that a railroad employee responding to an unplanned event that affects railroad operations (including passenger rail operations) and that occurs outside of, or extends beyond, the employee’s normal shift, be exempt from these requirements. Unplanned events include: a derailment; a rail failure or other report of dangerous track condition; a disruption to the electric propulsion system; a bridge strike; a disabled vehicle on the track; a train collision; weather- and storm-related events; a matter of national security; a matter concerning public safety; and a blocked grade crossing.

The exemption renewal request mirrors the request submitted by R.J. Corman Railroad Services, Cranemasters, Inc., and the National Railroad Construction and Maintenance Association, Inc., which FMCSA granted on March 4, 2020 (85 FR 12818) and renewed effective March 4, 2025, for five years (90 FR 34956). The exemption renewal request provides that, while operating under this exemption, drivers and carriers would be allowed to extend the 14-hour rule in § 395.3(a)(2) to no more than 17 hours; would not be allowed to exceed 11 hours of driving time following 10 consecutive hours off-duty; would be allowed to extend the 60-hour/70-hour rule in § 395.3(b) by no more than 6 hours; and, drivers would not be allowed to travel more than 300 air

miles from their normal work-reporting location or terminal.

In addition, drivers covered by the exemption renewal would comply with the applicable HOS limits after arriving at the site and would record all time working to restore rail service as on-duty, not driving time. Drivers would also have the benefit of FMCSA’s personal conveyance guidance when travelling between the unplanned event work site and nearby lodging or dining facilities. To the extent that guidance is not applicable, CMV drivers who have reached the HOS limits would be transported from the work site after onsite duties are completed by an individual who is not subject to HOS restrictions, or would use a vehicle that does not meet FMCSA’s definition of a CMV in 49 CFR 390.5T.

Applicant’s Equivalent Level of Safety

The Associations state that drivers operating under the exemption would receive resources on fatigue management appropriate to the rail working environment and emergency response to unplanned events. Specifically, drivers would complete the Driver Education Module 3 and Driver Sleep Disorders and Management Module 7 of the North American Fatigue Management Program (NAFMP) or would refer to the

Federal Railroad Administration’s (FRA) website, the “Railroaders’ Guide to Healthy Sleep” (<https://railroaderssleep.fra.dot.gov/>), as an alternative resource on strategies and resources to help railroad employees manage fatigue. The Associations request that the exemption be renewed for five years. The exemption would cover approximately 20,000 drivers and 11,000 CMVs.

A copy of the exemption application is available for review in the docket for this notice.

IV. Grant of Provisional Renewal of Exemption

FMCSA determined in 2020 that the exemption, subject to the terms and conditions imposed, would likely achieve a level of safety that is equivalent to the level that would be achieved absent such exemption. The Agency does not believe the requested relief would compromise safety when used occasionally to respond to unplanned events while the Agency seeks comment, and issues a final decision, on the renewal request.

FMCSA provisionally renews the exemption for a period of six months, subject to the terms and conditions outlined below. The exemption from the prohibitions in the 14-hour rule and the

60-hour/70-hour rule is effective from December 18, 2025 through June 18, 2026, 11:59 p.m. local time, unless revoked.

A. Applicability of Exemption

This exemption is restricted to individuals employed by the member railroads of the Associations while driving CMVs to the site of an “unplanned event” which includes the following:

- A derailment;
- A rail failure or other report of a dangerous track condition;
- A track occupancy light;
- A disruption to the electric propulsion system;
- A bridge strike;
- A disabled vehicle on the train tracks;
- A train collision;
- Weather- and storm-related events including fallen trees and other debris on the tracks, snow, extreme cold or heat, rock and mudslides, track washouts, and earthquakes; and
- A matter concerning national security or public safety, including a blocked grade crossing.

B. Terms and Conditions

1. When operating under this exemption, drivers and carriers:

- May extend the 14-hour rule in § 395.3(a)(2) to no more than 17 hours;
- May not exceed 11 hours of driving time, following 10 consecutive hours off-duty;
- May extend the 60-hour/70-hour rule in § 395.3(b) by no more than 6 hours; and
- May not travel more than 300 air miles from the normal work-reporting location or terminal;

2. Drivers must comply with the applicable HOS limits after arriving at the site, including that drivers must record all time working to restore rail service as on-duty, not driving time;

3. Drivers may take advantage of the Agency’s personal conveyance regulatory guidance when traveling between the unplanned event work site and nearby lodging or dining facilities (83 FR 26377 (June 7, 2018)). If that guidance is not applicable to the trip, CMV drivers who have reached the HOS limits must be transported from the work site by an individual who is not subject to HOS restrictions or use a vehicle that does not meet FMCSA’s definition of a CMV (49 CFR 390.5T) when they leave the site;

4. Drivers must complete the Driver Education Module 3 and the Driver Sleep Disorders and Management Module 7 of the NAFMP (www.nafmp.org) prior to operating

under the exemption; railroads subject to the exemption could direct CMV drivers to the DOT’s FRA’s website, the “Railroaders’ Guide to Healthy Sleep (<https://railroadersleep.fra.dot.gov/>) as an alternative resource if NAFMP’s website is unavailable;

5. Motor carriers and drivers must comply with all other provisions of the Federal Motor Carrier Safety Regulations;

6. Upon request, the Associations must provide to FMCSA a list of the U.S. Department of Transportation (USDOT) numbers of motor carriers operating under this exemption; and

7. Notification to FMCSA. The Associations must notify FMCSA within five business days of any accident, as defined in 49 CFR 390.5T, involving any of the motor carrier’s CMVs operating under the terms of this exemption.

Reports filed under this provision shall be emailed to MCPSPD@DOT.GOV. The notification must include the following information:

- a. Identifier of the Exemption: “The Associations;”
- b. Name of operating carrier and USDOT number;
- c. Date of the crash;
- d. City or town, and State, in which the accident occurred, or closest to the crash scene;
- e. Driver’s name and license number;
- f. Co-driver’s name (if any) and license number;
- g. Vehicle number and State license number;
- h. Number of individuals suffering physical injury;
- i. Number of fatalities;
- j. The police-reported cause of the crash, if provided by the enforcement agency;
- k. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations; and
- l. The total on-duty time accumulated during the seven consecutive days prior to the date of the crash, and the total on-duty time and driving time in the work shift prior to the crash.

C. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

D. Termination

FMCSA does not believe the drivers covered by this exemption will

experience any deterioration in their safety performance. However, the exemption will be revoked if: (1) the Associations or the drivers operating under the exemption fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

V. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on the application for an exemption renewal. All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file in the public docket relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Derek Barrs,
Administrator.

[FR Doc. 2025–23479 Filed 12–18–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0026]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 18 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before January 20, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2025–0026 using any of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov, insert the docket number (FMCSA–2025–0026) in the keyword box and click “Search.” Next, choose the only notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.

- **Hand Delivery:** West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- **Fax:** (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, fmcsamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2025–0026), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0026>. Next, choose the only notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose

whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to www.regulations.gov, insert the docket number (FMCSA–2025–0026) in the keyword box and click “Search.” Next, choose the only notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the “Department Wide System of Records Notices” link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

III. Background

The physical qualification standard for drivers regarding hearing, found in § 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an

average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)). In 2008, FMCSA published Evidence Report, “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.”¹ The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver’s license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash.

On February 1, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding hearing in 49 CFR 391.41(b)(11) (78 FR 3069). The Agency considers relevant scientific information and literature, the 2008 Evidence Report, “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety,” any public comments received, and each individual’s driving record in deciding whether to grant the exemption.

The 18 individuals listed in this notice have requested an exemption from the hearing standard in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Dahrien Beasley

Mr. Beasley, 26, holds a class C driver’s license in Georgia.

Cody Blackwood

Mr. Blackwood, 31, holds a class D driver’s license in Oklahoma.

Kenneth Bowman

Mr. Bowman, 64, holds a class A commercial driver’s license (CDL) in Tennessee.

David Brown

Mr. Brown, 47, holds a class A CDL in Colorado.

Earl Edwards

Mr/. Edwards, 50, holds a class A CDL in California.

Jeff Furlano

Mr. Furlano, 57, holds a class D driver’s license in Wisconsin.

Michael Giordano

Mr. Giordano, 58, holds a class C driver’s license in North Carolina.

Adam Haren

Mr. Haren, 45, holds a class D driver’s license in Ohio.

Jack Helveston

Mr. Helveston, 62, holds a class A CDL in Pennsylvania.

Diana Hernandez

Ms. Hernandez, 29, holds a class C driver’s license in California.

Jonathan Holdridge

Mr. Holdridge, 26, holds a class C driver’s license in Texas.

Arman Ladio

Mr. Ladio, 62, holds a class C driver’s license in California.

Viktor Lisnichenko

Mr. Lisnichenko, 56, holds a regular driver’s license in Washington.

Steven Mayfield

Mr. Mayfield, 57, holds a class D driver’s license in Ohio.

Avery Montgomery

Mr. Montgomery, 38, holds a class C driver’s license in Maryland.

Augustine Quiah

Mr. Quiah, 27, holds a class C driver’s license in Pennsylvania.

Samuel Stokes

Mr. Stokes, 34, holds a class D driver’s license in Oklahoma.

Jack Werff

Mr. Werff, 43, holds a class D driver’s license in Ohio.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of

business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025–23485 Filed 12–18–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0383; FMCSA–2014–0385; FMCSA–2014–0387; FMCSA–2017–0057; FMCSA–2017–0060; FMCSA–2018–0138; FMCSA–2019–0110; FMCSA–2021–0014; FMCSA–2021–0015; FMCSA–2023–0022]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 13 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before January 20, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2014–0383, FMCSA–2014–0385, FMCSA–2014–0387, FMCSA–2017–0057, FMCSA–2017–0060, FMCSA–2018–0138, FMCSA–2019–0110, FMCSA–2021–0014, FMCSA–2021–0015, or FMCSA–2023–0022, as appropriate, using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov, insert the docket number (FMCSA–2014–0383, FMCSA–2014–0385, FMCSA–2014–0387, FMCSA–2017–0057, FMCSA–2017–0060, FMCSA–2018–0138, FMCSA–2019–0110, FMCSA–2021–0014, FMCSA–2021–0015, or FMCSA–2023–0022, as appropriate) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

¹ <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Hearing-Evidence-Report-FinalExecutive-Summary-prot.pdf>.

- *Mail*: Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery*: West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- *Fax*: (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–0421, fmcsamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2014–0383, FMCSA–2014–0385, FMCSA–2014–0387, FMCSA–2017–0057, FMCSA–2017–0060, FMCSA–2018–0138, FMCSA–2019–0110, FMCSA–2021–0014, FMCSA–2021–0015, or FMCSA–2023–0022), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to www.regulations.gov, insert the docket number (FMCSA–2014–0383, FMCSA–2014–0385, FMCSA–2014–0387, FMCSA–2017–0057, FMCSA–2017–0060, FMCSA–2018–0138, FMCSA–2019–0110, FMCSA–2021–0014, FMCSA–2021–0015, or FMCSA–2023–0022) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the “Comment” button, and type your comment into the

text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

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Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the “Department Wide System of Records Notices” link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the exemption will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

III. Background

The physical qualification standard for drivers regarding hearing, found in 49 CFR 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear

at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)).

The 13 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 13 applicants have satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 13 drivers in this notice remain in good standing with the Agency. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly,

FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equivalent to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of November and are discussed below.

As of November 3, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following six individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Richard Carter (MD)
Robert Cates (NM)
Rebecca Haynes (TX)
Mark Howard (NY)
Jonathan Muhm (KY)
Joseph Piros (CA)

The drivers were included in docket numbers FMCSA–2014–0387, FMCSA–2017–0057, FMCSA–2017–0060, FMCSA–2018–0138, FMCSA–2021–0014, or FMCSA–2023–0022. Their exemptions were applicable as of November 3, 2025, and will expire on November 3, 2027.

As of November 19, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Jeffrey Barbuto (NH)
Jason Gensler (OH)
Emil Iontchev (IL)
Jerrell McCrary (NC)
Danny McGowan (WV)
Stuart Randles (FL)
Jennifer Valentine (TX)

The drivers were included in docket numbers FMCSA–2014–0383, FMCSA–2014–0385, FMCSA–2014–0387, FMCSA–2019–0110, or FMCSA–2021–0015. Their exemptions were applicable as of November 19, 2025, and will expire on November 19, 2027.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver (1) must report to FMCSA any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (2) must report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391, within 7 days of the citation and conviction; (3) must submit to FMCSA annual certified driving records from their SDLA; and (4) is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a

copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based upon its evaluation of the 13 exemption renewal applications, FMCSA renews the exemptions of the above-named drivers from the hearing requirement in 49 CFR 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025–23481 Filed 12–18–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects—West Broad Street Bus Rapid Transit, Columbus, Franklin County, Ohio and VIA Advanced Rapid Transit East/West Corridor Project, San Antonio, Bexar County, Texas

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) regarding two projects: the West Broad Street Bus Rapid Transit, Columbus, Franklin County, Ohio; and VIA Advanced Rapid Transit East/West Corridor Project, San Antonio, Bexar

County, Texas. The purpose of this notice is to publicly announce FTA's environmental decisions on the subject projects, and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before May 18, 2026.

FOR FURTHER INFORMATION CONTACT:

Kathryn Loster, Assistant Chief Counsel, Office of Chief Counsel, (202) 360-2322, or Saadat Khan, Environmental Protection Specialist, Office of Environmental Policy and Programs, (202) 366-6385. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions subject to 23 U.S.C. 139(l) by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project files for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at <https://www.transit.dot.gov/about/regional-offices/regional-offices>.

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA (42 U.S.C. 4321-4375), Section 4(f) requirements (49 U.S.C. 303), Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), the Endangered Species Act (16 U.S.C. 1531), the Clean Water Act (33 U.S.C. 1251), the Uniform Relocation and Real Property Acquisition Policies Act (42 U.S.C. 4601), and the Clean Air Act (42 U.S.C. 7401-7671q). This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project actions that are the subject of this notice are as follows:

1. *Project name and location:* West Broad Street Bus Rapid Transit (BRT), Columbus, Franklin County, Ohio.

Project Sponsor: Central Ohio Transit Authority (COTA).

Project description: The West Broad Street BRT (Project) corridor is approximately 9.3 miles in length and would operate in 5.2 miles of dedicated guideway and 4.1 miles of mixed-flow traffic along West Broad Street from Rockbrook Crossing Avenue in Prairie Township to Long Street and Washington Avenue in Downtown Columbus. The Project includes the construction of 17 near-level boarding stations with Americans with Disabilities Act accessibility and off-board fare collection; end of line layover facilities; mixed-flow traffic and dedicated center running bus lanes; transit signal priority; traffic signal reconstruction; bicycle lanes; shared-use paths; sidewalk reconstruction and associated infrastructure and stormwater improvements. The Project also involves construction of a new Rockbrook Crossing Park and Ride end of layover facility. In addition, the COTA McKinley Avenue Garage would be upgraded to support the maintenance and operation of the Project's transit vehicles.

Final agency action: Section 106 No Adverse Effect determination, dated July 25, 2025; Section 4(f) *de minimis* impact determination, dated October 3, 2025; and determination of the applicability of a categorical exclusion pursuant to 23 CFR 771.118(d), dated October 3, 2025.

Supporting documentation: COTA West Broad Bus Rapid Transit Project Documented Categorical Exclusion (CE), dated September 10, 2025. The CE and associated documents can be viewed and downloaded from: <https://linkuscolumbus.com/westbroad/>.

2. *Project name and location:* VIA Advanced Rapid Transit (ART) East/West Corridor Project, San Antonio, Bexar County, Texas.

Project Sponsor: VIA Metropolitan Transit.

Project description: The VIA ART East/West Corridor Project (Project) is an approximately 7.3-mile BRT line operating in a mix of center dedicated lanes, curbside dedicated Business Access and Transit lanes, and mixed traffic lanes within the City of San Antonio. The Project corridor extends from Coca-Cola Place in the east through downtown San Antonio to General McMullen Drive in the west along East Houston Street, Cherry Street, Commerce Street, Buena Vista Street, Dolorosa Street, and Market Street. The Project also includes transit signal priority and construction of 18 new or modified stations. Stations are planned to include amenities such as off-board fare collection; real-time arrival information; security cameras; lighting; and platforms for level boarding.

Final agency action: Section 106 No Adverse Effect determination, dated October 8, 2025; Section 4(f) *de minimis* impact determination, dated November 25, 2025; and determination of the applicability of a categorical exclusion pursuant to 23 CFR 771.118(d), dated November 25, 2025.

Supporting documentation: VIA Advanced Rapid Transit East/West Corridor Project Documented Categorical Exclusion and supporting materials, dated October 31, 2025. The CE and associated documents can be viewed and downloaded from: <https://keepsamoving.com/projects/via-rapid/via-rapid-silver-line/>.

Authority: 23 U.S.C. 139(l)(1).

Megan Blum,

Deputy Associate Administrator for Planning and Environment.

[FR Doc. 2025-23406 Filed 12-18-25; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on December 17, 2025. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Sanctions Compliance, 202-622-2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On December 17, 2025, OFAC determined that the property and

interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Entity

1. CARTEL DE SANTA ROSA DE LIMA (a.k.a. SANTA ROSA DE LIMA CARTEL; a.k.a. "CSRL"), Mexico; Organization Established Date 2014; Target Type Criminal Organization [TCO].

Designated pursuant to section 1(a)(ii)(A) of Executive Order 13581 of July 24, 2011, "Blocking Property of Transnational Criminal Organizations," 76 FR 44757 (July 27, 2011), as amended by Executive Order 13863 of March 15, 2019, "Taking Additional Steps to Address the National Emergency With Respect to Significant Transnational Criminal Organizations," 84 FR 10255 (March 19, 2019) (E.O. 13581, as amended) for being a foreign person that constitutes a significant transnational criminal organization.

Individual

1. YEPEZ ORTIZ, Jose Antonio (a.k.a. "El Marro"), Mexico; DOB 23 Jul 1980; POB Guanajuato, Mexico; nationality Mexico; Gender Male; C.U.R.P. YEOA800723HGTPRN07 (Mexico) (individual) [TCO] (Linked To: CARTEL DE SANTA ROSA DE LIMA).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Cartel de Santa Rosa de Lima, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended. (Authority: E.O. 13581, as amended.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2025-23445 Filed 12-18-25; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request for Form 1099-OID

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to

comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 1099-OID, *Original Issue Discount*.

DATES: Written comments should be received on or before February 17, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés García, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Please include, "OMB Number: 1545-0117—Public Comment Request Notice" in the Subject line.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317-5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Original Issue Discount.

OMB Number: 1545-0117.

Regulation Project Number: Form 1099-OID.

Abstract: Form 1099-OID is used for reporting original issue discount as required by section 6049 of the Internal Revenue Code. It is used to verify that income earned on discount obligations is properly reported by the recipient.

Current Actions: There are changes to the burden indicators used to compute burden. However, there is an estimated increase in the number of responses previously approved by OMB.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit groups.

Estimated Number of Responses: 5,832,633.

Estimated Time per Respondent: 23 minutes.

Estimated Total Annual Burden

Hours: 2,274,727.

Approved: December 16, 2025.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2025-23318 Filed 12-18-25; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Senior Executive Service Performance Review Board

AGENCY: Internal Revenue Service (IRS), Department of the Treasury.

ACTION: Notice.

SUMMARY: To announce a list of senior executives who comprise a standing roster that will serve on IRS's Fiscal Year 2025 Senior Executive Service (SES) Performance Review Boards.

DATES: This list is effective December 16, 2025.

FOR FURTHER INFORMATION CONTACT:

Sharnetta A. Walton, Director, Office of Executive Services at (202) 317-3817 or Rachel Winningham, Deputy Director, Office of Executive Services at (202) 317-3823, IRS, 1111 Constitution Avenue NW, Washington, DC 20224.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 4314(c)(4), this board shall review and evaluate the initial appraisals of career senior executives' performance and provide recommendations to the appointing authority on performance ratings, pay adjustments and performance awards. The senior executives are as follows:

Kenneth Kies, acting Chief Counsel

Kenneth Corbin, Chief Taxpayer

Services

Kaschit Pandya, Chief Information Officer

Dottie Romo, Chief Operating Officer

This document does not meet the Treasury's criteria for significant regulations.

Sharnetta A. Walton,

Director, Office of Executive Services Internal Revenue Service.

[FR Doc. 2025-23328 Filed 12-18-25; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Application To Participate in the Income Verification Express Service (IVES) Program (Form 13803)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before February 17, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include "OMB Control No. 1545-2032" in the subject line of the message.

FOR FURTHER INFORMATION CONTACT:

View the latest drafts of the tax forms related to the information collection listed in this notice at <https://www.irs.gov/draft-tax-forms>. Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801)-620-6008.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether

the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Application to Participate in the Income Verification Express Service (IVES) Program.

OMB Control Number: 1545-2032.

Form Number: 13803.

Abstract: Application to Participate in the Income Verification Express Service (IVES) Program is used to submit the required information necessary to complete the eservices enrollment process for IVES users and to identify delegates receiving transcripts on behalf of the principal account user.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 400.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 200.

Dated: December 17, 2025.

Jason M. Schoonmaker,

Tax Analyst.

[FR Doc. 2025-23451 Filed 12-18-25; 8:45 am]

BILLING CODE 4830-01-P

UNITED STATES SENTENCING COMMISSION

Requests for Applications; Practitioners Advisory Group

AGENCY: United States Sentencing Commission.

ACTION: Notice.

SUMMARY: In view of upcoming vacancies in the voting membership of the Practitioners Advisory Group, the United States Sentencing Commission hereby invites any individual who is eligible to be appointed to one of the vacancies to apply. The voting memberships covered by this notice are

two circuit memberships (for the Ninth Circuit and the District of Columbia Circuit). An applicant for voting membership of the Practitioners Advisory Group should apply by sending a letter of interest and a resume to the Commission as indicated in the **ADDRESSES** section below.

DATES: Application materials for voting membership of the Practitioners Advisory Group should be received not later than February 17, 2026.

ADDRESSES: An applicant for voting membership of the Practitioners Advisory Group should apply by sending a letter of interest and a resume to the Commission by electronic mail or regular mail. The email address is pubaffairs@ussc.gov. The regular mail address is United States Sentencing Commission, One Columbus Circle NE, Suite 2-500, South Lobby, Washington, DC 20002-8002, Attention: Public Affairs—PAG Membership.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502-4597. More information about the Practitioners Advisory Group is available on the Commission's website at www.ussc.gov/advisory-groups.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

The Practitioners Advisory Group is a standing advisory group of the United States Sentencing Commission established pursuant to 28 U.S.C. 995 and Rule 5.4 of the Commission's Rules of Practice and Procedure. Under the charter for the advisory group, the purpose of the advisory group is (1) to assist the Commission in carrying out its statutory responsibilities under 28 U.S.C. 994(o); (2) to provide to the Commission its views on the Commission's activities and work, including proposed priorities and amendments; (3) to disseminate to defense attorneys, and to other professionals in the defense community, information regarding federal sentencing issues; and (4) to perform other related functions as the Commission requests. The advisory group consists of not more than 17

voting members, each of whom may serve not more than two consecutive three-year terms. Of those 17 voting members, one shall be Chair, one shall be Vice Chair, 12 shall be circuit members (one for each federal judicial circuit other than the Federal Circuit), and three shall be at-large members.

To be eligible to serve as a voting member, an individual must be an attorney who (1) devotes a substantial portion of his or her professional work to advocating the interests of privately-represented individuals, or of individuals represented by private practitioners through appointment under the Criminal Justice Act of 1964, within the federal criminal justice

system; (2) has significant experience with federal sentencing or post-conviction issues related to criminal sentences; and (3) is in good standing of the highest court of the jurisdiction or jurisdictions in which he or she is admitted to practice. Additionally, to be eligible to serve as a circuit member, the individual's primary place of business or a substantial portion of his or her practice must be in the circuit concerned. Each voting member is appointed by the Commission.

In view of the upcoming vacancies in the voting membership of the Practitioners Advisory Group, the Commission invites any individual who is eligible to be appointed to a voting

membership covered by this notice to apply by sending a letter of interest and a resume to the Commission as indicated in the **ADDRESSES** section above. The voting memberships covered by this notice are two circuit memberships (for the Ninth Circuit and the District of Columbia Circuit).

Authority: 28 U.S.C. 994(a), (o), (p), 995; USSC Rules of Practice and Procedure 2.2(c), 5.4.

Carlton W. Reeves,
Chair.

[FR Doc. 2025-23470 Filed 12-18-25; 8:45 am]

BILLING CODE 2210-40-P



FEDERAL REGISTER

Vol. 90

Friday,

No. 242

December 19, 2025

Part II

United States Sentencing Commission

Sentencing Guidelines for United States Courts; Notice

UNITED STATES SENTENCING COMMISSION**Sentencing Guidelines for United States Courts**

AGENCY: United States Sentencing Commission.

ACTION: Notice and request for public comment and hearing.

SUMMARY: The United States Sentencing Commission is considering promulgating amendments to the sentencing guidelines, policy statements, and commentary. This notice sets forth the proposed amendments and, for each proposed amendment, a synopsis of the issues addressed by that proposed amendment. This notice also sets forth several issues for comment, some of which are set forth together with the proposed amendments, and one of which (regarding retroactive application of proposed amendments) is set forth in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES:

Written Public Comment. Written public comment regarding the proposed amendments and issues for comment set forth in this notice, including public comment regarding retroactive application of any of the proposed amendments, should be received by the Commission not later than February 10, 2026. Public comment regarding a proposed amendment received after the close of the comment period may not be considered.

Public Hearing. The Commission may hold a public hearing regarding the proposed amendments and issues for comment set forth in this notice. Further information regarding any public hearing that may be scheduled, including requirements for testifying and providing written testimony, as well as the date, time, location, and scope of the hearing, will be provided by the Commission on its website at www.ussc.gov.

ADDRESSES: There are two methods for submitting public comment.

Electronic Submission of Comments. Comments may be submitted electronically via the Commission's Public Comment Submission Portal at <https://comment.ussc.gov>. Follow the online instructions for submitting comments.

Submission of Comments by Mail. Comments may be submitted by mail to the following address: United States Sentencing Commission, One Columbus Circle NE, Suite 2-500, Washington, DC 20002-8002, Attention: Public Affairs—Proposed Amendments.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502-4597.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

Publication of a proposed amendment requires the affirmative vote of at least three voting members of the Commission and is deemed to be a request for public comment on the proposed amendment. See USSC Rules of Practice and Procedure 2.2, 4.4. In contrast, the affirmative vote of at least four voting members is required to promulgate an amendment and submit it to Congress. See *id.* 2.2; 28 U.S.C. 994(p).

The proposed amendments in this notice are presented in one of two formats. First, some of the amendments are proposed as specific revisions to a guideline, policy statement, or commentary. Bracketed text within a proposed amendment indicates a heightened interest on the Commission's part in comment and suggestions regarding alternative policy choices; for example, a proposed enhancement of [2][4][6] levels indicates that the Commission is considering, and invites comment on, alternative policy choices regarding the appropriate level of enhancement. Similarly, bracketed text within a specific offense characteristic or application note means that the Commission specifically invites comment on whether the proposed provision is appropriate. Second, the Commission has highlighted certain issues for comment and invites suggestions on how the Commission should respond to those issues.

In summary, the proposed amendments and issues for comment set forth in this notice are as follows:

(1) A multi-part proposed amendment relating to drug offenses, including (A) (i) two options for amending § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) to address the purity distinction between methamphetamine in “actual” form and methamphetamine as part of a mixture;

(ii) amendments to § 2D1.1 to address offenses involving “Ice;” and (iii) related issues for comment; (B) amendments to § 2D1.1 to address the enactment of the Halt All Lethal Trafficking of Fentanyl Act (HALT Fentanyl Act), which permanently scheduled “fentanyl-related substances,” and a related issue for comment; and (C) amendments to § 2D1.1 to add new enhancements for offenses involving fentanyl and fentanyl analogues, and related issues for comment.

(2) A proposed amendment to the *Guidelines Manual* to amend the monetary tables and values to adjust for inflation, including the monetary values in the fine tables for individual defendants and for organizational defendants, and related issues for comment.

(3) A two-part proposed amendment relating to § 2B1.1 (Theft, Property Destruction, and Fraud), including (A) a proposal to restructure the loss table at § 2B1.1(b)(1) to simplify application of the table, and related issues for comment; and (B) amendments to § 2B1.1 to revise existing specific offense characteristics and add new specific offense characteristics to reflect the culpability of the individual and harm to the victim, and related issues for comment.

(4) A proposed amendment to Chapter Three, Part E setting forth two options to add a new adjustment at § 3E1.2 (Post-Offense Rehabilitation) providing a reduction if the defendant demonstrates positive post-offense behavior or rehabilitative efforts, and related issues for comment.

(5) A proposed amendment to the *Guidelines Manual* to simplify the procedure for determining the single offense level for cases involving multiple counts, including replacing the five guidelines in Chapter Three, Part D with a single guideline at § 3D1.1 that provides all the steps necessary to determine the single offense level for multiple counts, and related issues for comment.

(6) A proposed amendment to the *Guidelines Manual* to delete from certain Chapter Two guidelines 26 specific offense characteristics that courts did not apply at all in the last five fiscal years and that were applied a small number of times—if at all—using a 25-year lookback window, and a related issue for comment.

(7) A proposed amendment setting forth two options to address specific offense characteristics relating to sophisticated criminal conduct, including (A) an option for creating a new Chapter Three adjustment at

§ 3C1.5 (Sophisticated Means) addressing sophisticated conduct and deleting specific offense characteristics in Chapter Two guidelines that currently address sophisticated conduct; (B) an option for amending Chapter Two guidelines that contain specific offense characteristics addressing sophisticated conduct to provide updated, uniform guidance relating to sophisticated conduct; and (C) related issues for comment.

(8) A multi-part proposed amendment relating to recently enacted legislation and a miscellaneous issue, including (A) amendments to Appendix A (Statutory Index) and the Commentary to § 2A6.1 (Threatening or Harassing Communications; Hoaxes; False Liens) to respond to the Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on websites and Networks Act (“TAKE IT DOWN Act”), Public Law 119–12 (2025), and a related issue for comment; (B) amendments to Appendix A and the Commentary to § 2S1.3 (Structuring Transactions to Evade Reporting Requirements; Failure to Report Cash or Monetary Transactions; Failure to File Currency and Monetary Instrument Report; Knowingly Filing False Reports; Bulk Cash Smuggling; Establishing or Maintaining Prohibited Accounts) to respond to the Fentanyl Eradication and Narcotics Deterrence Off Fentanyl Act (“FEND Off Fentanyl Act”), Public Law 118–50 (2024), and a related issue for comment; (C) amendments to Appendix A and the Commentary to § 2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information) to respond to the Protecting Americans’ Data from Foreign Adversaries Act, Public Law 118–50 (2024), and a related issue for comment; (D) amendments to Appendix A and the Commentary to § 2C1.1 (Offering, Giving, Soliciting, or Receiving a Bribe; Extortion Under Color of Official Right; Fraud Involving the Deprivation of the Intangible Right to Honest Services of Public Officials; Conspiracy to Defraud by Interference with Governmental Functions) to respond to the Foreign Extortion Prevention Technical Corrections Act, Public Law 118–78 (2024), and a related issue for comment; and (E) amendments to Appendix A and the Commentary to § 2B1.4 (Insider Trading) to provide an Appendix A reference for 18 U.S.C. 1348, dealing with securities and commodities fraud, by referencing the statute to § 2B1.4, while also maintaining the current reference to § 2B1.1 (Theft, Property Destruction, and Fraud).

(9) A proposed amendment making technical and other non-substantive changes throughout the *Guidelines Manual*.

In addition, the Commission requests public comment regarding whether, pursuant to 18 U.S.C. 3582(c)(2) and 28 U.S.C. 994(u), any proposed amendment published in this notice should be included in subsection (d) of § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)) as an amendment that may be applied retroactively to previously sentenced defendants. The Commission lists in § 1B1.10(d) the specific guideline amendments that the court may apply retroactively under 18 U.S.C. 3582(c)(2). The Background Commentary to § 1B1.10 lists the purpose of the amendment, the magnitude of the change in the guideline range made by the amendment, and the difficulty of applying the amendment retroactively to determine an amended guideline range under § 1B1.10(b) as among the factors the Commission considers in selecting the amendments included in § 1B1.10(d). To the extent practicable, public comment should address each of these factors.

The text of the proposed amendments and related issues for comment are set forth below. Additional information pertaining to the proposed amendments and issues for comment described in this notice may be accessed through the Commission’s website at www.ussc.gov. In addition, as required by 5 U.S.C. 553(b)(4), plain-language summaries of the proposed amendments are available at <https://www.ussc.gov/guidelines/amendments/proposed-2026-amendments-federal-sentencing-guidelines-published-december-2025>.

Authority: 28 U.S.C. 994(a), (o), (p), (x); USSC Rules of Practice and Procedure 2.2, 4.3, 4.4.

Carlton W. Reeves,
Chair.

Proposed Amendments to the Sentencing Guidelines, Policy Statements, and Official Commentary

1. Drug Offenses

Synopsis of Proposed Amendment: In August 2025, the Commission identified as one of its policy priorities for the amendment cycle ending May 1, 2026, “[f]urther examination of the penalty structure for certain drug trafficking offenses under § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses)),” including “consideration of possible amendments addressing the purity

distinctions for methamphetamine provided in the Drug Quantity Table and related application notes” and “consideration of other miscellaneous issues pertaining to drug trafficking offenses coming to the Commission’s attention, such as statutory changes relating to fentanyl, sentencing enhancements for offenses involving fentanyl, and other fentanyl-related issues.” U.S. Sent’g Comm’n, “Notice of Final Priorities,” 90 FR 39263 (Aug. 14, 2025).

This proposed amendment contains three parts (Parts A, B, and C). The Commission is considering whether to promulgate any or all of these parts, as they are not mutually exclusive.

Part A of the proposed amendment sets forth two options for amending § 2D1.1 to address the purity distinction between methamphetamine in “actual” form and methamphetamine as part of a mixture. It would also amend § 2D1.1 to address offenses involving “Ice.” Issues for comment are also included.

Part B of the proposed amendment would amend § 2D1.1 to address the enactment of the Halt All Lethal Trafficking of Fentanyl Act (HALT Fentanyl Act), which permanently scheduled “fentanyl-related substances.” An issue for comment is also provided.

Part C of the proposed amendment would amend § 2D1.1 to add new enhancements for offenses involving fentanyl and fentanyl analogues. Issues for comment are also provided.

(A) Methamphetamine

Synopsis of Proposed Amendment:

Part A of the proposed amendment sets forth two options for amending § 2D1.1 to address the purity distinction between methamphetamine in “actual” form and methamphetamine as part of a mixture. Part A of the proposed amendment also addresses offenses involving “Ice.” Both options in Part A aim to update the *Guidelines Manual’s* treatment of methamphetamine to reflect the evolving nature of methamphetamine trafficking, while addressing the concerns that animated Congress’s decision to set mandatory minimum penalties for certain methamphetamine trafficking offenses.

Statutory History of Methamphetamine Trafficking Offenses

The statutory provisions and penalties associated with the trafficking of methamphetamine are found at 21 U.S.C. 841 and 960. While the statutory penalties for most drug types are based solely on drug quantity, the statutory penalties for methamphetamine are also based on the purity of the substance

involved in the offense. Sections 841 and 960 contain quantity threshold triggers for five- and ten-year mandatory minimums for methamphetamine (actual) (*i.e.*, “pure” methamphetamine) and methamphetamine (mixture) (*i.e.*, “a mixture or substance containing a detectable amount of methamphetamine”). *See* 21 U.S.C. 841(b)(1)(A)(viii), (B)(viii), 960(b)(1)(H), & 960(b)(2)(H). Two different 10-to-1 quantity ratios set the mandatory minimum penalties for methamphetamine trafficking offenses. First, the quantity of substance triggering the ten-year minimum is ten times the quantity triggering the five-year minimum. Second, the quantity of methamphetamine mixture triggering each mandatory minimum is set at ten times the quantity of methamphetamine (actual) triggering the same statutory minimum penalty.

These penalties stem from action taken by Congress in 1988 and 1998 to address methamphetamine trafficking offenses. The record for the Anti-Drug Abuse Act of 1988 suggests that Congress endeavored to compare methamphetamine with other drugs in deciding the appropriate mandatory minimum threshold quantities, ultimately determining that methamphetamine “is a serious and common drug of abuse, comparable in dangerousness to other controlled substances” listed in the Anti-Drug Abuse Act of 1986. *See* 134 Cong. Rec. S17,367 (daily ed. Nov. 10, 1988). Specifically, Congress cited the Department of Justice’s determination that the “quantity of methamphetamine that justifies these penalties is the same as that currently set forth for PCP”—the only drug in the Anti-Drug Abuse Act of 1986 that had a purity distinction. *Id.* Over the next ten years, Congress considered changes to the statutory penalties for methamphetamine, frequently invoking comparisons between methamphetamine and crack cocaine in terms of the dangers and harms associated with the two drugs. With the Methamphetamine Trafficking Penalty Enhancement Act of 1998, Congress halved the quantities of methamphetamine set forth in the 1988 Act to the quantity threshold triggers that apply today. In doing so, it enacted mandatory minimum quantity thresholds for methamphetamine (actual) that matched those in place at the time for crack cocaine. Although the statutory penalties for crack cocaine have changed, the same statutory penalties for methamphetamine remain in place, and as explained below, the

methamphetamine trafficking guidelines are linked to those penalties.

Guideline History of Methamphetamine Trafficking Offenses

Under § 2D1.1, the base offense level for offenses involving methamphetamine varies based on the purity of the substance. Specifically, the Drug Quantity Table at § 2D1.1(c) contains three different entries relating to methamphetamine: (1) “Methamphetamine,” which refers to the entire weight of a mixture or substance containing a detectable amount of methamphetamine; (2) “Methamphetamine (actual),” which refers to the weight of methamphetamine itself contained in a mixture or substance; and (3) “Ice,” which is defined as “a mixture or substance containing d-methamphetamine hydrochloride of at least 80% purity” (*see* USSG § 2D1.1(c) (Note C)). The Drug Quantity Table sets base offense levels for methamphetamine mixture and methamphetamine (actual) in a manner that reflects the 10:1 quantity ratio of the applicable statutory provisions, such that it takes ten times more methamphetamine mixture than methamphetamine (actual) to trigger the same base offense level.

Although “Ice” is included in the guidelines, the term “Ice” does not appear in the statutory provisions setting penalties for methamphetamine offenses. “Ice” was added to the guidelines in response to the Crime Control Act of 1990, which directed the Commission to amend the guidelines “for offenses involving smokable crystal methamphetamine . . . so that convictions for [such offenses] will be assigned an offense level . . . two levels above that which would have been assigned to the same offense involving other forms of methamphetamine.” *See* Public Law 101–67, 2701 (1990). The 1990 Act did not, however, define “smokable crystal methamphetamine,” and the Commission and commenters struggled to determine its meaning. Ultimately, the Commission responded to the Act by adding “Ice” to the Drug Quantity Table—even though the 1990 Act did not use that term—and developed a definition of “Ice” based on the type and purity of methamphetamine. *See* USSG App. C, amend. 370 (effective Nov. 1, 1991). The Commission set the base offense levels for quantities of “Ice” equal to the base offense levels for the same quantities of methamphetamine (actual).

Evolving Nature of Methamphetamine Trafficking

As explained in a recent report published by the Commission, there have been changes to the trends in methamphetamine trafficking in the last two decades. When Congress established the different statutory penalties for methamphetamine (actual) and methamphetamine mixture in the Anti-Drug Abuse Act of 1988, the average purity of the methamphetamine being trafficked in the United States was seldom greater than 50 percent. At the time, individuals sentenced for trafficking highly pure methamphetamine were considered to have a higher function in a drug distribution chain, and therefore greater culpability in the offense. Since then, however, the purity of the methamphetamine trafficked in the United States has increased substantially, and it is now rare to find methamphetamine that tests lower than 90 percent pure. *See* U.S. Sent’g Comm’n, *Methamphetamine Trafficking Offenses in the Federal Criminal Justice System 3* (2024) at <https://www.ussc.gov/research/research-reports/methamphetamine-trafficking-offenses-federal-criminal-justice-system>.

Commission data further shows that the average purity of methamphetamine does not vary significantly based on the function of the individual drug trafficker. The Commission’s report showed that high-level suppliers had drugs that were, on average, 95.2 percent pure, and drug organization employees had methamphetamine that was 93.3 percent pure. Likewise, an individual’s function varied little by the primary type of methamphetamine involved in the offense, with the exception of the function of a drug courier. The rate of individuals sentenced for trafficking methamphetamine (actual) that acted as couriers (31.3%) was twice that compared to either methamphetamine mixture (13.5%) or “Ice” (13.8%).

While the nature of methamphetamine trafficking has evolved, so too has the methamphetamine trafficking caseload. Since fiscal year 2002, the number of offenses involving methamphetamine mixture has remained relatively steady, but the number of offenses involving methamphetamine (actual) and “Ice” has risen substantially. Offenses involving methamphetamine (actual) increased 299 percent from 910 offenses in fiscal year 2002 to 3,634 offenses in fiscal year 2022. As a result, in fiscal year 2022, methamphetamine (actual) accounted for more than half (52.2%) of

all methamphetamine cases. Offenses involving “Ice” also have risen during the past 20 years. In fiscal year 2002, there were 88 offenses involving “Ice” in the federal caseload; that number rose by 881 percent to 863 offenses in fiscal year 2022. Offenses involving “Ice” now make up more than ten percent (12.4%) of all methamphetamine cases. Offenses involving methamphetamine mixture comprise roughly a third (35.4%) of all methamphetamine cases. *See id.* at 4, 9, 18, 32–33, 38–39, 52.

Feedback From Stakeholders

The Commission has received significant comment regarding § 2D1.1’s methamphetamine purity distinction, including in response to a proposed amendment the Commission published last year. *See* Public Comment on 2025 Proposed Amendments (March 2025) at <https://www.ussc.gov/policymaking/public-comment/public-comment-2025-proposed-amendments>. Some commenters suggested that the Commission should revisit or eliminate the disparity in § 2D1.1’s treatment of methamphetamine mixture, on the one hand, and methamphetamine (actual) and “Ice,” on the other. Most of these commenters stated that purity is no longer an accurate measure of offense culpability because methamphetamine today is highly and uniformly pure and that “Ice” cases do not involve a higher level of purity than other forms of methamphetamine. Some of these commenters also pointed to disparities in testing practices across judicial districts, which, in turn, have yielded disparate sentences.

The commenters diverged, however, on the action the Commission should take to address the 10:1 quantity ratio for methamphetamine mixture and methamphetamine (actual). Some commenters supported setting base offense levels for all methamphetamine at the level of methamphetamine mixture or some lower level, such as at the level of cocaine. Other commenters supported setting base offense levels for all methamphetamine at the level of methamphetamine (actual). Still other commenters suggested that the Commission set the base offense levels at a level in between methamphetamine mixture and methamphetamine (actual), and recommended that the Commission undertake additional study of the issues. The Commission has since held a hearing to study methamphetamine, including its chemical structure, pharmacological effects, trafficking patterns, and community impact, and the differences, if any, between methamphetamine of varying purity levels.

Proposed Amendment

Part A of the proposed amendment would amend § 2D1.1 to address offenses involving “Ice” and the purity distinction between methamphetamine in “actual” form and methamphetamine as part of a mixture. Part A contains two options to address the purity distinction, both of which aim to respond to changes in methamphetamine trafficking and continue to reflect the dangers and harms identified by Congress when it set mandatory minimum penalties for these offenses.

Revisions Relating to Methamphetamine Purity Distinction

Part A of the proposed amendment sets forth two options to address the 10:1 quantity ratio for methamphetamine mixture and methamphetamine (actual).

Option 1 would set the same quantity thresholds for all methamphetamine offenses. It would delete all references to “methamphetamine (actual)” from the Drug Quantity Table at § 2D1.1(c) and the Drug Conversion Tables at Application Note 8(D). The weight of the mixture or substance containing methamphetamine that triggers the base offense levels would then be the entire weight of any mixture or substance containing a detectable amount of methamphetamine. *Option 1* brackets four alternatives for the quantity thresholds for methamphetamine: (1) quantity thresholds matching the current quantity thresholds for methamphetamine mixture; (2) quantity thresholds matching those of fentanyl; (3) quantity thresholds matching those of cocaine base; and (4) quantity thresholds matching the current quantity thresholds for methamphetamine (actual). This approach would simplify § 2D1.1 by reducing the number of methamphetamine entries in the Drug Quantity Table and Drug Conversion Tables, while reflecting how methamphetamine trafficking has changed.

Option 2 would maintain different base offense levels for different methamphetamine offenses. It would set the baseline quantity thresholds for methamphetamine at a level between the current quantity thresholds for methamphetamine mixture and methamphetamine (actual). *Option 2* brackets setting the baseline quantity thresholds for methamphetamine at the same level as cocaine base. The base offense level may be either reduced to the current base offense levels for methamphetamine mixture and its

corresponding quantity thresholds if [1][2][3] or more of certain factors apply, or heightened to the current base offense levels for methamphetamine (actual) and its corresponding quantity thresholds if [1][2][3] or more of certain factors apply. Both lists of factors are set forth in the Notes to the Drug Quantity Table. These factors would reflect the concerns that animated Congress when it set the statutory minimum penalties for methamphetamine trafficking offenses.

Issues for comment for these revisions are also provided.

Revisions Relating to “Ice”

Part A of the proposed amendment would amend the Drug Quantity Table at § 2D1.1(c) and the Drug Equivalency Tables at Application Note 8(D) of the Commentary to § 2D1.1 to delete all references to “Ice.” In addition, it would add a new specific offense characteristic at § 2D1.1(b)(19) that provides a [2]-level reduction if the offense involved only methamphetamine in a non-smokable, non-crystalline form, which would continue to ensure compliance with Congress’s directive that “convictions for offenses involving smokable crystal methamphetamine will be assigned an offense level under the guidelines which is two levels above” other forms of methamphetamine.

An issue for comment relating to these revisions is also provided.

Proposed Amendment: Section 2D1.1(b) is amended by inserting at the end the following new paragraph (19):

“(19) If the offense involved only methamphetamine in a non-smokable, non-crystalline form, decrease by [2] levels.”

Option 1 (Using a single entry for methamphetamine):

Section 2D1.1(c)(1) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• 45 KG or more of Methamphetamine, or
4.5 KG or more of Methamphetamine (actual), or
4.5 KG or more of ‘Ice’;”,
and inserting the following line:
“• [45][36][25.2][4.5] KG or more of Methamphetamine;”.

Section 2D1.1(c)(2) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 15 KG but less than 45 KG of Methamphetamine, or
at least 1.5 KG but less than 4.5 KG of Methamphetamine (actual), or
at least 1.5 KG but less than 4.5 KG of ‘Ice’;”,
and inserting the following line:

“• At least [15 KG but less than 45 KG][12 KG but less than 36 KG][8.4 KG but less than 25.2 KG][1.5 KG but less than 4.5 KG] of Methamphetamine;”.

Section 2D1.1(c)(3) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 5 KG but less than 15 KG of Methamphetamine, or
at least 500 G but less than 1.5 KG of Methamphetamine (actual), or
at least 500 G but less than 1.5 KG of ‘Ice’;”;

and inserting the following line:

“• At least [5 KG but less than 15 KG][4 KG but less than 12 KG][2.8 KG but less than 8.4 KG][500 G but less than 1.5 KG] of Methamphetamine;”.

Section 2D1.1(c)(4) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 1.5 KG but less than 5 KG of Methamphetamine, or
at least 150 G but less than 500 G of Methamphetamine (actual), or
at least 150 G but less than 500 G of ‘Ice’;”;

and inserting the following line:

“• At least [1.5 KG but less than 5 KG][1.2 KG but less than 4 KG][840 G but less than 2.8 KG][150 G but less than 500 G] of Methamphetamine;”.

Section 2D1.1(c)(5) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 500 G but less than 1.5 KG of Methamphetamine, or
at least 50 G but less than 150 G of Methamphetamine (actual), or
at least 50 G but less than 150 G of ‘Ice’;”;

and inserting the following line:

“• At least [500 G but less than 1.5 KG][400 G but less than 1.2 KG][280 G but less than 840 G][50 G but less than 150 G] of Methamphetamine;”.

Section 2D1.1(c)(6) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 350 G but less than 500 G of Methamphetamine, or
at least 35 G but less than 50 G of Methamphetamine (actual), or
at least 35 G but less than 50 G of ‘Ice’;”;

and inserting the following line:

“• At least [350 G but less than 500 G][280 G but less than 400 G][196 G but less than 280 G][35 G but less than 50 G] of Methamphetamine;”.

Section 2D1.1(c)(7) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 200 G but less than 350 G of Methamphetamine, or

at least 20 G but less than 35 G of Methamphetamine (actual), or
at least 20 G but less than 35 G of ‘Ice’;”;

and inserting the following line:

“• At least [200 G but less than 350 G][160 G but less than 280 G][112 G but less than 196 G][20 G but less than 35 G] of Methamphetamine;”.

Section 2D1.1(c)(8) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 50 G but less than 200 G of Methamphetamine, or
at least 5 G but less than 20 G of Methamphetamine (actual), or
at least 5 G but less than 20 G of ‘Ice’;”;

and inserting the following line:

“• At least [50 G but less than 200 G][40 G but less than 160 G][28 G but less than 112 G][5 G but less than 20 G] of Methamphetamine;”.

Section 2D1.1(c)(9) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 40 G but less than 50 G of Methamphetamine, or
at least 4 G but less than 5 G of Methamphetamine (actual), or
at least 4 G but less than 5 G of ‘Ice’;”;

and inserting the following line:

“• At least [40 G but less than 50 G][32 G but less than 40 G][22.4 G but less than 28 G][4 G but less than 5 G] of Methamphetamine;”.

Section 2D1.1(c)(10) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 30 G but less than 40 G of Methamphetamine, or
at least 3 G but less than 4 G of Methamphetamine (actual), or
at least 3 G but less than 4 G of ‘Ice’;”;

and inserting the following line:

“• At least [30 G but less than 40 G][24 G but less than 32 G][16.8 G but less than 22.4 G][3 G but less than 4 G] of Methamphetamine;”.

Section 2D1.1(c)(11) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 20 G but less than 30 G of Methamphetamine, or
at least 2 G but less than 3 G of Methamphetamine (actual), or
at least 2 G but less than 3 G of ‘Ice’;”;

and inserting the following line:

“• At least [20 G but less than 30 G][16 G but less than 24 G][11.2 G but less than 16.8 G][2 G but less than 3 G] of Methamphetamine;”.

Section 2D1.1(c)(12) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 10 G but less than 20 G of Methamphetamine, or
at least 1 G but less than 2 G of Methamphetamine (actual), or
at least 1 G but less than 2 G of ‘Ice’;”;

and inserting the following line:

“• At least [10 G but less than 20 G][8 G but less than 16 G][5.6 G but less than 11.2 G][1 G but less than 2 G] of Methamphetamine;”.

Section 2D1.1(c)(13) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 5 G but less than 10 G of Methamphetamine, or
at least 500 MG but less than 1 G of Methamphetamine (actual), or
at least 500 MG but less than 1 G of ‘Ice’;”;

and inserting the following line:

“• At least [5 G but less than 10 G][4 G but less than 8 G][2.8 G but less than 5.6 G][500 MG but less than 1 G] of Methamphetamine;”.

Section 2D1.1(c)(14) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• Less than 5 G of Methamphetamine, or
less than 500 MG of Methamphetamine (actual), or
less than 500 MG of ‘Ice’;”;

and inserting the following line:

“• Less than [5 G][4 G][2.8 G][500 MG] of Methamphetamine;”.

The annotation to § 2D1.1(c) captioned “Notes to Drug Quantity Table” is amended—

in Note (B) by striking the following:

“The terms ‘PCP (actual)’, ‘Amphetamine (actual)’, and ‘Methamphetamine (actual)’ refer to the weight of the controlled substance, itself, contained in the mixture or substance. For example, a mixture weighing 10 grams containing PCP at 50% purity contains 5 grams of PCP (actual). In the case of a mixture or substance containing PCP, amphetamine, or methamphetamine, use the offense level determined by the entire weight of the mixture or substance, or the offense level determined by the weight of the PCP (actual), amphetamine (actual), or methamphetamine (actual), whichever is greater.

The terms ‘Hydrocodone (actual)’ and ‘Oxycodone (actual)’ refer to the weight of the controlled substance, itself, contained in the pill, capsule, or mixture.”;

and inserting the following:

“The terms ‘PCP (actual)’ and ‘Amphetamine (actual)’ refer to the weight of the controlled substance, itself, contained in the mixture or

substance. For example, a mixture weighing 10 grams containing PCP at 50% purity contains 5 grams of PCP (actual). In the case of a mixture or substance containing PCP or amphetamine, use the offense level determined by the entire weight of the mixture or substance, or the offense level determined by the weight of the PCP (actual) or amphetamine (actual), whichever is greater.”.

and in Note (C) by striking “ ‘Ice,’ for the purposes of this guideline, means a mixture or substance containing d-methamphetamine hydrochloride of at least 80% purity” and inserting “The terms ‘Hydrocodone (actual)’ and ‘Oxycodone (actual)’ refer to the weight of the controlled substance, itself, contained in the pill, capsule, or mixture”.

The Commentary to § 2D1.1 captioned “Application Notes” is amended in Note 8(D), under the heading relating to Cocaine and Other Schedule I and II Stimulants (and their immediate precursors)—

by striking the line referenced to “Ice” as follows:

“1 gm of ‘Ice’ = 20 kg”;

and by striking the lines referenced to Methamphetamine and Methamphetamine (actual) as follows:

“1 gm of Methamphetamine = 2 kg

1 gm of Methamphetamine (actual) = 20 kg”;

and inserting the following line:

“1 gm of Methamphetamine = [20 kg][3,571 gm][2.5 kg][2 kg]”.

Option 2 (Using different entries for methamphetamine):

Section 2D1.1(c)(1) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• 45 KG or more of

Methamphetamine, or

4.5 KG or more of Methamphetamine

(actual), or

4.5 KG or more of ‘Ice’;”;

and inserting the following lines:

“• 45 KG or more of

Methamphetamine (when reduced base offense level applies under Note (L) below), or

4.5 KG or more of Methamphetamine (when heightened base offense level applies under Note (M) below), or

[25.2] KG or more of

Methamphetamine (in any other case);”.

Section 2D1.1(c)(2) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 15 KG but less than 45 KG of Methamphetamine, or

at least 1.5 KG but less than 4.5 KG of Methamphetamine (actual), or

at least 1.5 KG but less than 4.5 KG of ‘Ice’;”;

and inserting the following lines:

“• At least 15 KG but less than 45 KG of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 1.5 KG but less than 4.5 KG of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [8.4 KG but less than 25.2 KG] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(3) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 5 KG but less than 15 KG of Methamphetamine, or

at least 500 G but less than 1.5 KG of Methamphetamine (actual), or

at least 500 G but less than 1.5 KG of ‘Ice’;”;

and inserting the following lines:

“• At least 5 KG but less than 15 KG of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 500 G but less than 1.5 KG of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [2.8 KG but less than 8.4 KG] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(4) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 1.5 KG but less than 5 KG of Methamphetamine, or

at least 150 G but less than 500 G of Methamphetamine (actual), or

at least 150 G but less than 500 G of ‘Ice’;”;

and inserting the following lines:

“• At least 1.5 KG but less than 5 KG of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 150 G but less than 500 G of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [840 G but less than 2.8 KG] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(5) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 500 G but less than 1.5 KG of Methamphetamine, or

at least 50 G but less than 150 G of Methamphetamine (actual), or

at least 50 G but less than 150 G of ‘Ice’;”;

and inserting the following lines:

“• At least 500 G but less than 1.5 KG of Methamphetamine (when reduced

base offense level applies under Note (L) below), or

at least 50 G but less than 150 G of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [280 G but less than 840 G] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(6) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 350 G but less than 500 G of Methamphetamine, or

at least 35 G but less than 50 G of Methamphetamine (actual), or

at least 35 G but less than 50 G of ‘Ice’;”;

and inserting the following lines:

“• At least 350 G but less than 500 G of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 35 G but less than 50 G of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [196 G but less than 280 G] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(7) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 200 G but less than 350 G of Methamphetamine, or

at least 20 G but less than 35 G of Methamphetamine (actual), or

at least 20 G but less than 35 G of ‘Ice’;”;

and inserting the following lines:

“• At least 200 G but less than 350 G of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 20 G but less than 35 G of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [112 G but less than 196 G] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(8) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 50 G but less than 200 G of Methamphetamine, or

at least 5 G but less than 20 G of Methamphetamine (actual), or

at least 5 G but less than 20 G of ‘Ice’;”;

and inserting the following lines:

“• At least 50 G but less than 200 G of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 5 G but less than 20 G of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [28 G but less than 112 G] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(9) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 40 G but less than 50 G of Methamphetamine, or
at least 4 G but less than 5 G of Methamphetamine (actual), or
at least 4 G but less than 5 G of ‘Ice’;”,
and inserting the following lines:
“• At least 40 G but less than 50 G of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 4 G but less than 5 G of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [22.4 G but less than 28 G] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(10) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 30 G but less than 40 G of Methamphetamine, or
at least 3 G but less than 4 G of Methamphetamine (actual), or
at least 3 G but less than 4 G of ‘Ice’;”,
and inserting the following lines:

“• At least 30 G but less than 40 G of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 3 G but less than 4 G of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [16.8 G but less than 22.4 G] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(11) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 20 G but less than 30 G of Methamphetamine, or
at least 2 G but less than 3 G of Methamphetamine (actual), or
at least 2 G but less than 3 G of ‘Ice’;”,
and inserting the following lines:

“• At least 20 G but less than 30 G of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 2 G but less than 3 G of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [11.2 G but less than 16.8 G] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(12) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 10 G but less than 20 G of Methamphetamine, or

at least 1 G but less than 2 G of Methamphetamine (actual), or
at least 1 G but less than 2 G of ‘Ice’;”,
and inserting the following lines:

“• At least 10 G but less than 20 G of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 1 G but less than 2 G of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [5.6 G but less than 11.2 G] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(13) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• At least 5 G but less than 10 G of Methamphetamine, or

at least 500 MG but less than 1 G of Methamphetamine (actual), or
at least 500 MG but less than 1 G of ‘Ice’;”,

and inserting the following lines:

“• At least 5 G but less than 10 G of Methamphetamine (when reduced base offense level applies under Note (L) below), or

at least 500 MG but less than 1 G of Methamphetamine (when heightened base offense level applies under Note (M) below), or

at least [2.8 G but less than 5.6 G] of Methamphetamine (in any other case);”.

Section 2D1.1(c)(14) is amended by striking the lines referenced to Methamphetamine, Methamphetamine (actual), and “Ice” as follows:

“• Less than 5 G of Methamphetamine, or

less than 500 MG of Methamphetamine (actual), or
less than 500 MG of ‘Ice’;”,

and inserting the following lines:

“• Less than 5 G of Methamphetamine (when reduced base offense level applies under Note (L) below), or

less than 500 MG of Methamphetamine (when heightened base offense level applies under Note (M) below), or

less than [2.8] G of Methamphetamine (in any other case);”.

The annotation to § 2D1.1(c) captioned “Notes to Drug Quantity Table” is amended—

in Note (B) by striking the following:

“The terms ‘PCP (actual)’, ‘Amphetamine (actual)’, and ‘Methamphetamine (actual)’ refer to the weight of the controlled substance, itself, contained in the mixture or substance. For example, a mixture weighing 10 grams containing PCP at 50% purity contains 5 grams of PCP (actual). In the case of a mixture or substance containing PCP,

amphetamine, or methamphetamine, use the offense level determined by the entire weight of the mixture or substance, or the offense level determined by the weight of the PCP (actual), amphetamine (actual), or methamphetamine (actual), whichever is greater.

The terms ‘Hydrocodone (actual)’ and ‘Oxycodone (actual)’ refer to the weight of the controlled substance, itself, contained in the pill, capsule, or mixture.”.

and inserting the following:

“The terms ‘PCP (actual)’ and ‘Amphetamine (actual)’ refer to the weight of the controlled substance, itself, contained in the mixture or substance. For example, a mixture weighing 10 grams containing PCP at 50% purity contains 5 grams of PCP (actual). In the case of a mixture or substance containing PCP or amphetamine, use the offense level determined by the entire weight of the mixture or substance, or the offense level determined by the weight of the PCP (actual) or amphetamine (actual), whichever is greater.”.

in Note (C) by striking “ ‘Ice,’ for the purposes of this guideline, means a mixture or substance containing d-methamphetamine hydrochloride of at least 80% purity” and inserting “The terms ‘Hydrocodone (actual)’ and ‘Oxycodone (actual)’ refer to the weight of the controlled substance, itself, contained in the pill, capsule, or mixture”;

and by inserting at the end the following new Notes (L) and (M):

“(L) Use the reduced base offense level assigned to the weight of methamphetamine if [1][2][3] or more of the following factors apply:

(i) The defendant did not receive any enhancements under subsection (b)(1), (b)(2), (b)(5), (b)(12), or (b)(14), or any adjustments under § 3B1.1 (Aggravating Role) or § 3B1.4 (Using a Minor To Commit a Crime).

(ii) The defendant receives a reduction under subsection (b)(18).

(iii) The defendant receives an adjustment under § 3B1.2 (Mitigating Role).

(iv) The defendant was motivated to commit the offense by (I) an intimate or familial relationship, threats, fear, serious coercion, blackmail, or duress, and (II) was otherwise unlikely to commit such an offense.

(v) The defendant was unusually vulnerable to being persuaded or induced to commit the offense due to a physical or mental condition (including drug dependence or abuse), or the defendant’s youthfulness at the time of the offense.

(vi) The defendant committed a single criminal occurrence or single criminal transaction that (I) was committed without significant planning, (II) was of limited duration, and (III) represents a marked deviation by the defendant from an otherwise law-abiding life.

(M) Use the heightened base offense level assigned to the weight of methamphetamine if [1][2][3] or more of the following factors apply:

(i) The defendant receives an enhancement under subsection (b)(1).

(ii) The defendant receives an enhancement under subsection (b)(2).

(iii) The defendant receives an enhancement under subsection (b)(5).

(iv) The defendant receives an enhancement under subsection (b)(12).

(v) The defendant receives an enhancement under subsection (b)(14).

(vi) The defendant receives an adjustment under § 3B1.1 (Aggravating Role).

(vii) The defendant receives an adjustment under § 3B1.4 (Using a Minor To Commit a Crime).

(viii) [The defendant (I) knowingly distributed methamphetamine to an individual less than [18][21] years of age and (II) was [at least [4][6][8] years older][substantially older] than that individual at the time of the offense][The offense involved the distribution of methamphetamine to an individual less than [18][21] years of age and the defendant was [at least [4][6][8] years older][substantially older] than that individual at the time of the offense].

(ix) The [defendant used or possessed][offense involved the use or possession of] a tableting machine or an encapsulating machine for the purpose of manufacturing methamphetamine.

(x) The [defendant used][offense involved the use of] the dark web or darknets (*i.e.*, part of the internet hidden from the general public that cannot be accessed by traditional search engines or web browsers and allows its users to hide their identity and location from other people and from law enforcement) to facilitate the commission or concealment of an offense involving methamphetamine.”.

The Commentary to § 2D1.1 captioned “Application Notes” is amended in Note 8(D), under the heading relating to Cocaine and Other Schedule I and II Stimulants (and their immediate precursors)—

by striking the line referenced to “Ice” as follows:

“1 gm of ‘Ice’ = 20 kg”;

and by striking the lines referenced to Methamphetamine and

Methamphetamine (actual) as follows:

“1 gm of Methamphetamine = 2 kg

1 gm of Methamphetamine (actual) = 20 kg”;

and inserting the following lines:

“1 gm of Methamphetamine (when reduced base offense level applies under Note (L) of the Notes to the Drug Quantity Table) = 2 kg

1 gm of Methamphetamine (when heightened base offense level applies under Note (M) of the Notes to the Drug Quantity Table) = 20 kg

1 gm of Methamphetamine (in any other case) = [3,571 gm]”.

Issues for Comment:

1. Part A of the proposed amendment provides two options with different approaches. Option 1 provides a single entry for all methamphetamine offenses. Option 2, by contrast, sets forth different entries for methamphetamine offenses depending on the presence of certain factors. The Commission seeks general comment on which approach, if any, is appropriate to address the 10:1 quantity ratio for methamphetamine mixture, on the one hand, and methamphetamine (actual) and “Ice,” on the other. Should the Commission use the same quantity thresholds for all methamphetamine offenses? Should the Commission instead retain different quantity thresholds for different methamphetamine offenses? For example, should the Commission set baseline quantity thresholds for methamphetamine at the current level for methamphetamine mixture or at a less severe level, and provide for heightened base offense levels if certain factors apply? Should the Commission instead set baseline quantity thresholds for methamphetamine at the current level for methamphetamine (actual) or at a more severe level, and provide for reduced base offense levels if certain factors apply?

2. Option 1 brackets four alternatives for the quantity thresholds for all methamphetamine offenses: (1) quantity thresholds matching those of methamphetamine mixture; (2) quantity thresholds matching those of fentanyl; (3) quantity thresholds matching those of cocaine base; and (4) quantity thresholds matching those of methamphetamine (actual). What quantity thresholds should the Commission adopt for methamphetamine, and why? Should the Commission adopt quantity thresholds for methamphetamine that are less severe than the current levels for methamphetamine mixture (*e.g.*, quantity thresholds matching those of cocaine)?

3. Option 2 brackets setting the baseline quantity thresholds that trigger base offense levels for methamphetamine at the same level as

cocaine base. These base offense levels could be reduced or heightened depending on the presence of certain factors. Should the Commission adopt a different baseline quantity threshold for methamphetamine? What is the basis for adopting any such baseline quantity threshold? Should the Commission adopt a different heightened or reduced base offense level? What is the basis for adopting any such heightened or reduced base offense level?

4. Option 2 sets forth factors that would result in the application of reduced or heightened base offense levels. The Commission seeks comment on whether the factors provided in Option 2 are appropriate to trigger a reduced or heightened base offense level. Should any factors be deleted or changed? Should the Commission provide additional or different factors? How many factors should be present in the offense to trigger the application of the reduced or heightened base offense levels?

5. The Commission seeks comment on whether using the factors set forth in Option 2 to trigger reduced or heightened base offense levels results in any inappropriate double-counting. If so, what action should the Commission take to account for the interaction between these factors and the applicable base offense level?

6. Some of the factors set forth in Option 2 are not specific offense characteristics or adjustments in the *Guidelines Manual*. If the Commission includes factors that are not in the *Guidelines Manual*, will it result in any fact-finding or administrability issues?

7. Both options would delete all references in § 2D1.1 to “Ice” and add a new specific offense characteristic at § 2D1.1(b)(19) that provides a [2]-level reduction if the offense involved only methamphetamine in a non-smokable, non-crystalline form. This new specific offense characteristic is intended to ensure compliance with the 1990 congressional directive (Pub. L. 101–67, 2701 (1990)). The Commission invites comment on whether the Commission should take an alternative approach to ensure compliance with the 1990 congressional directive.

(B) Fentanyl-Related Substances

Synopsis of Proposed Amendment: The Halt All Lethal Trafficking of Fentanyl Act (Pub. L. 119–26) (2025) (“HALT Fentanyl Act”) permanently scheduled “fentanyl-related substances” as Schedule I substances under 21 U.S.C. 812. The Act also expanded the offenses prohibited by 21 U.S.C. 841 and 960 to include “fentanyl-related substances,” setting the quantities that

trigger mandatory minimum penalties at the same level as fentanyl analogues. The Act defined “fentanyl-related substances” as

(2) For purposes of paragraph (1), except as provided in paragraph (3), the term “fentanyl-related substance” means any substance that is structurally related to fentanyl by 1 or more of the following modifications:

(A) By replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

(B) By substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(C) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(D) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

(E) By replacement of the N-propionyl group with another acyl group.

(3) A substance that satisfies the definition of the term “fentanyl-related substance” in paragraph (2) shall nonetheless not be treated as a fentanyl-related substance subject to this schedule if the substance—

(A) is controlled by action of the Attorney General under section 201; or

(B) is otherwise expressly listed in a schedule other than this schedule.

Public Law 119–26, 2 (2025). The HALT Fentanyl Act does not contain any directives to the Commission.

Part B of the proposed amendment would amend the Drug Quantity Table at subsection (c) § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) and the Drug Equivalency Tables at Application Note 8(D) of the Commentary to § 2D1.1 to add “fentanyl-related substance.” It would set the quantity thresholds and base offense levels at the same level as fentanyl analogues. Part B of the proposed amendment would also amend the Notes to the Drug Quantity Table to add a definition of “fentanyl-related substance” that closely tracks the statutory definition.

In addition, Part B of the proposed amendment would add “fentanyl-related substance” to the enhancement at § 2D1.1(b)(13) for representing or marketing fentanyl or a fentanyl analogue as another substance or as a legitimately manufactured drug.

An issue for comment is also provided.

Proposed Amendment:

Section 2D1.1(b)(13) is amended by striking “fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue” both places it appear and inserting “fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), a fentanyl analogue, or a fentanyl-related substance”.

Section 2D1.1(c)(1) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• 9 KG or more of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(2) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 3 KG but less than 9 KG of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(3) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 1 KG but less than 3 KG of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(4) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 300 G but less than 1 KG of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(5) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 100 G but less than 300 G of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(6) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 70 G but less than 100 G of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(7) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 40 G but less than 70 G of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(8) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 10 G but less than 40 G of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(9) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 8 G but less than 10 G of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(10) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 6 G but less than 8 G of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(11) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 4 G but less than 6 G of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(12) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 2 G but less than 4 G of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(13) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• At least 1 G but less than 2 G of a Fentanyl-Related Substance;”.

Section 2D1.1(c)(14) is amended by inserting after the line referenced to a Fentanyl Analogue the following line:

“• Less than 1 G of a Fentanyl-Related Substance;”.

The annotation to § 2D1.1(c) captioned “Notes to Drug Quantity Table” is amended—

by redesignating Note (K) as Note (L); and by inserting after Note (J) the following new Note (K):

“(K) Fentanyl-Related Substance, for purposes of this guideline, means any substance (including any salt, isomer, or salt of isomer thereof) that is structurally related to fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) by one or more of the following modifications:

(i) By replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

(ii) By substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(iii) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(iv) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

(v) By replacement of the N-propionyl group with another acyl group.

A substance that satisfies the definition of ‘fentanyl-related substance’ shall nonetheless not be treated as a fentanyl-related substance if the substance is controlled by action of the Attorney General under 21 U.S.C. 811 or is otherwise expressly listed in a schedule other than Schedule I.”.

The Commentary to § 2D1.1 captioned “Application Notes” is amended in Note 8(D), under the heading relating to Schedule I or II Opiates by inserting after the line referenced to a Fentanyl Analogue the following line:

“1 gm of a Fentanyl-Related Substance = 10 kg”.

Issue for Comment:

1. The Halt all Lethal Trafficking of Fentanyl Act (Pub. L. 119–26) (2025) (“HALT Fentanyl Act”) set the quantities of “fentanyl-related substances” that trigger mandatory minimum penalties at the same level as fentanyl analogues. In response to this, Part B of the amendment would set the quantity thresholds and base offense levels for fentanyl-related substances at

the same level as fentanyl analogues. The Commission invites comment on whether this is the appropriate approach. Should the quantity thresholds and base offense levels for fentanyl-related substances instead be set at the same level as fentanyl, another substance in the Drug Quantity Table, or some other level entirely? If so, why? How are fentanyl-related substances similar to or different from other substances in the Drug Quantity Table, including fentanyl or fentanyl analogues? How do the effects of fentanyl-related substances compare with the effects of other substances in the Drug Quantity Table, including fentanyl or fentanyl analogues?

(C) Enhancements for Offenses Involving Fentanyl or Fentanyl Analogues

Synopsis of Proposed Amendment: Fentanyl and fentanyl analogue cases have increased substantially over the last several years. Since fiscal year 2020, fentanyl cases have increased 255.7 percent, such that they comprised 20.2 percent of all federal drug trafficking cases in fiscal year 2024. Today, fentanyl represents the second most common drug type in federal drug trafficking cases. Fentanyl analogue cases occupy a much smaller portion of the federal drug trafficking caseload (1.9%), but those cases have increased 85.2 percent since fiscal year 2020.

In response to rising numbers of fentanyl and fentanyl analogue cases, the Commission previously undertook a multi-year study of synthetic controlled substances. In 2018, following that study, the Commission amended § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit Those Offenses); Attempt or Conspiracy) to add an enhancement specific to fentanyl and fentanyl analogue cases. In particular, the Commission added a new specific offense characteristic at subsection (b)(13) providing a 4-level increase when the defendant knowingly misrepresented or knowingly marketed as another substance a mixture or substance containing fentanyl or a fentanyl analogue. *See* USSG, App. C. amend. 807 (effective Nov. 1, 2018). In adding this new specific offense characteristic, the Commission pointed to the harm attendant to cases where a user does not know the substance they are using contains fentanyl or a fentanyl analogue. *Id.* As the Commission explained, “[b]ecause of fentanyl’s extreme potency, the risk of overdose death is great, particularly when the user is inexperienced or unaware of

what substance he or she is using.” *Id.* Thus, the Commission concluded that “it is appropriate for traffickers who knowingly misrepresent fentanyl or a fentanyl analogue as another substance to receive additional punishment.” *Id.*

In 2023, the Commission amended § 2D1.1(b)(13) based on the continued increase in fentanyl and fentanyl analogue distribution. *See* USSG, App. C. amend. 818 (effective Nov. 1, 2023). The amendment added a new subparagraph (B) with an alternative 2-level enhancement for offenses where the defendant represented or marketed as a legitimately manufactured drug another mixture or substance containing fentanyl or a fentanyl analogue, and acted with willful blindness or conscious avoidance of knowledge that such mixture or substance was not the legitimately manufactured drug. *Id.* As grounds for the amendment, the Commission cited data from the Drug Enforcement Administration (“DEA”) showing a substantial increase in the seizure of fake prescription pills. *Id.* The DEA reported seizing over 50.6 million fake pills in calendar year 2022, with 70 percent containing fentanyl. *Id.* Of those seized pills containing fentanyl, six out of ten contained a potentially lethal dose of the substance. *Id.* The Commission also pointed to the increase in drug overdose deaths—most of which involved synthetic opioids, primarily fentanyl. *Id.*

In 2025, the Commission amended § 2D1.1(b)(13)(B) to change the *mens rea* requirement. *See* USSG, App. C. amend. 833 (effective Nov. 1, 2025). The Commission received comment that § 2D1.1(b)(13)(B) was being applied inconsistently, in part, because the *mens rea* requirement generated confusion. In particular, commenters urged the Commission to revise § 2D1.1(b)(13)(B) because the mental state of “willful blindness or conscious avoidance of knowledge” was vague, and courts construed willful blindness as legally equivalent to knowledge, causing uncertainty over when the enhancement should be applied. The Commission further heard concerns about the continuing dangers associated with representing or marketing fentanyl or a fentanyl analogue as a legitimately manufactured drug. Informed by those concerns, the Commission changed the *mens rea* requirement in § 2D1.1(b)(13)(B) from “willful blindness or conscious avoidance of knowledge” to “reckless disregard.”

The Commission has continued to receive comment on whether the guidelines appropriately account for factors specific to offenses involving fentanyl and fentanyl analogues. Earlier

this year, the Commission sought public comment on several amendments proposed by the Department of Justice to address the harm in cases involving fentanyl, fentanyl analogues, and other opioids. *See* U.S. Sent’g Comm’n, “Request for public comment,” 90 FR 8840 (Feb. 3, 2025); *see also* Letter from Scott Meisler, *Ex-Officio* Member, U.S. Sent’g Comm’n, to Hon. Carlton W. Reeves, Chair, U.S. Sent’g Comm’n (July 15, 2024) at 5, available at https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-comment/202407/89FR48029_public-comment_R.pdf. Specifically, the Commission sought comment on whether it should create enhancements under § 2D1.1 for: (1) distribution of fentanyl, fentanyl analogues, and other opioids to individuals under the age of 21; (2) fentanyl, fentanyl analogue, and opioid offenses involving the use of the dark web or other anonymizing technologies; and (3) drug trafficking offenses involving fentanyl or another synthetic opioid adulterated with xylazine or medetomidine. Some commenters supported the proposed enhancements or asked the Commission to expand the enhancements to apply more broadly, while others opposed the proposed enhancements or asked the Commission to limit the enhancements to apply more narrowly.

In response to these concerns, Part C of the proposed amendment would amend § 2D1.1 to add four new specific offense characteristics that increase offense levels in fentanyl and fentanyl analogue trafficking cases involving certain factors. The Commission is considering each of these specific offense characteristics individually and whether to promulgate any of these specific offense characteristics or a combination of them.

First, Part C of the proposed amendment would add a new specific offense characteristic at § 2D1.1(b)(14) relating to the distribution of fentanyl or a fentanyl analogue to an individual less than [18][21] years of age or the use or attempted use of an individual less than [18][21] years of age to commit an offense involving such substance. For this enhancement to apply, the defendant must be, at the time of the offense, [at least 4][6][8] years older[substantially older] than the individual less than [18][21] years of age. Part C brackets alternatives for making the enhancement defendant-based or offense-based. The defendant-based alternative of this enhancement also brackets a *mens rea* requirement of knowledge relating to the age of the individual and to the substance involved in the offense.

Second, Part C of the proposed amendment would add a new specific offense characteristic at § 2D1.1(b)(15) relating to the use of the dark web or darknets to facilitate the commission or concealment of an offense involving fentanyl or a fentanyl analogue. It also brackets alternatives for making the enhancement defendant-based or offense-based.

Third, Part C of the proposed amendment would add a new specific offense characteristic at § 2D1.1(b)(16) relating to the distribution of a mixture or substance containing (A) fentanyl or a fentanyl analogue and (B) xylazine. It brackets alternatives for making the enhancement defendant-based or offense-based.

Finally, Part C of the proposed amendment would add a new specific offense characteristic at § 2D1.1(b)(17) relating to the use or possession of a tableting machine or an encapsulating machine for the purpose of manufacturing fentanyl or a fentanyl analogue. It brackets alternatives for making the enhancement defendant-based or offense-based.

Issues for comment are also provided.

Proposed Amendment:

[Part C of the proposed amendment would insert any, a combination, or all of the following paragraphs to § 2D1.1(b) and redesignate current paragraphs (14) through (18) accordingly. In addition, it would make conforming changes in accordance with the redesignation of these paragraphs.]

Section 2D1.1(b) is amended by inserting the following new paragraph(s):

“(14) [If the defendant], knowing that an individual was less than [18][21] years of age and that the substance involved in the offense was fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue—

(A) (i) distributed fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue to that individual, and (ii) the defendant was [at least [4][6][8] years older][substantially older] than that individual at the time of the offense; or

(B) (i) used or attempted to use that individual to commit an offense involving fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue, and (ii) the defendant was [at least [4][6][8] years older][substantially older] than that individual at the time of the offense,

increase by [2][4] levels. For purposes of subsection (b)(14)(B), ‘used or attempted to use’ includes directing, commanding, encouraging,

intimidating, counseling, training, procuring, recruiting, or soliciting.]

[If the offense involved—

(A) (i) the distribution of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue to an individual less than [18][21] years of age, and (ii) the defendant was [at least [4][6][8] years older][substantially older] than that individual at the time of the offense; or

(B) (i) using or attempting to use an individual less than [18][21] years of age to commit an offense involving fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue, and (ii) the defendant was [at least [4][6][8] years older][substantially older] than that individual at the time of the offense,

increase by [2][4] levels. For purposes of subsection (b)(14)(B), ‘using or attempting to use’ includes directing, commanding, encouraging, intimidating, counseling, training, procuring, recruiting, or soliciting.]

(15) [If the defendant used][the offense involved the use of] the dark web or darknets (*i.e.*, part of the internet hidden from the general public that cannot be accessed by traditional search engines or web browsers and allows its users to hide their identity and location from other people and from law enforcement) to facilitate the commission or concealment of an offense involving fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue, increase by [2][4] levels.

(16) [If the defendant knowingly distributed a mixture or substance containing (A) fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue, and (B) xylazine, increase by [2][4] levels.]

[If the offense involved distribution of a mixture or substance containing (A) fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue, and (B) xylazine, increase by [2][4] levels.]

(17) If (A) subsection (b)(13) does not apply and (B) [the defendant used or possessed][the offense involved the use or possession of] a tableting machine or an encapsulating machine for the purpose of manufacturing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue, increase by [2][4] levels.”.

The Commentary to § 2D1.1 captioned “Application Notes” is amended by inserting the following new Note 18:

“18. *Application of Subsection (b)(14).*—

(A) *Interaction with Subsection (b)(20).*—Do not apply subsection (b)(14) if subsection (b)(20)(B) also applies.

(B) *Interaction with Chapter Three Adjustment.*—If the conduct that forms the basis for an enhancement under subsection (b)(14) is the only conduct that forms the basis for an adjustment under § 3B1.4 (Using a Minor to Commit a Crime), do not apply that adjustment under § 3B1.4.”.

[Part C of the proposed amendment would renumber current notes 18 through 26 accordingly. In addition, it would make conforming changes in accordance with the redesignation of these notes.]

Issues for Comment:

1. Part C of the proposed amendment would amend § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) to add four new specific offense characteristics that increase offense levels in fentanyl and fentanyl analogue trafficking cases involving certain factors. The Commission invites general comment on whether the proposed enhancements are appropriate to address the factors involved in fentanyl and fentanyl analogue trafficking cases, including the harm and the culpability of the defendants in these cases. If not, should the Commission take another approach to address these factors?

2. The proposed specific offense characteristics set forth in Part C of the proposed amendment would apply to offenses involving fentanyl or a fentanyl analogue. Part B of the proposed amendment would add references to “fentanyl-related substances” to the Drug Quantity Table and Drug Conversion Tables in § 2D1.1. If the Commission were to promulgate Part B of the proposed amendment, should the Commission also add fentanyl-related substances to the proposed specific offense characteristics set forth in this Part?

3. The proposed enhancement at § 2D1.1(b)(14) for offenses involving distributing fentanyl or a fentanyl analogue to an individual less than [18][21] years of age, or using an individual less than [18][21] years of age in the offense, contains a condition requiring that the defendant must be [at least [4][6][8] years older][substantially older] than the individual less than [18][21] years of age. The Commission seeks comment on whether it should include such a requirement. Is the requirement appropriate to address cases involving a defendant who is a peer or similar in age to an individual less than [18][21] years of age? If not,

what changes should the Commission make to the proposed enhancement?

4. The Commission published a proposed amendment setting forth a new Chapter Three adjustment at § 3C1.5 addressing offenses involving sophisticated means. If the Commission were to promulgate such an adjustment, should it affect the Commission's consideration of the proposed enhancement at § 2D1.1(b)(15) relating to the use of the dark web or darknets? If so, how?

5. Part C of the proposed amendment would add a new specific offense characteristic at § 2D1.1(b)(16) relating to the distribution of a mixture or substance containing (A) fentanyl or a fentanyl analogue and (B) xylazine. The Commission seeks comment on whether the proposed enhancement is appropriate. The Commission also seeks comment on whether there are other adulterants with similar effects (e.g., medetomidine) to which the enhancement should apply.

6. The proposed enhancement at § 2D1.1(b)(17) provides that this enhancement shall not apply if the enhancement at § 2D1.1(b)(13) applies. The Commission seeks comment on the interaction between these two

enhancements. Does the proposed enhancement at § 2D1.1(b)(17) capture conduct and harm that the current enhancement at § 2D1.1(b)(13) does not?

2. Inflationary Adjustments

Synopsis of Proposed Amendment: This proposed amendment is a result of the Commission's work in examining § 2B1.1 (Theft, Property Destruction, and Fraud) and related guidelines to consider whether the loss table should be revised to simplify application or to adjust for inflation. *See* U.S. Sent'g Comm'n, "Notice of Final Priorities," 90 FR 39263 (Aug. 14, 2025). As part of that work, the Commission is considering whether to adjust all monetary tables and values in the guidelines for inflation.

The monetary tables and values in the guidelines, including the monetary values in the fine tables for individual defendants and for organizational defendants, were last revised to account for inflation in 2015. *See* USSG App. C, amend. 791 (effective Nov. 1, 2015). The proposed amendment would amend the monetary tables in the guidelines to adjust for inflation, *i.e.*, the tables in §§ 2B1.1 (Theft, Property, Destruction, and Fraud), 2B2.1 (Burglary), 2B3.1

(Robbery), 2R1.1 (Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors), 2T4.1 (Tax Table), 5E1.2 (Fines for Individual Defendants), and 8C2.4 (Base Fine). The proposed amendment would adjust the monetary tables and values in the guidelines using a specific multiplier derived from the Bureau of Labor Statistics' Consumer Price Index and then would round the amounts using a set of rules extrapolated from the provisions for adjusting monetary penalties for inflation set forth in section 5(a) of the Federal Civil Penalties Inflation Adjustment Act of 1990. This is the same methodology the Commission used in 2015. *See* USSG App. C, amend. 791 (effective Nov. 1, 2015).

In addition, the proposed amendment adjusts for inflation the monetary value in specific offense characteristics in other Chapter Two guidelines and includes conforming changes to guidelines that refer to the monetary tables.

Issues for comment are also provided.

Proposed Amendment:

Section 2B1.1(b)(1) is amended by striking the following:

"If the loss exceeded \$6,500, increase the offense level as follows:

Loss (apply the greatest)	Increase in level
(A) \$6,500 or less	no increase
(B) More than \$6,500	add 2
(C) More than \$15,000	add 4
(D) More than \$40,000	add 6
(E) More than \$95,000	add 8
(F) More than \$150,000	add 10
(G) More than \$250,000	add 12
(H) More than \$550,000	add 14
(I) More than \$1,500,000	add 16
(J) More than \$3,500,000	add 18
(K) More than \$9,500,000	add 20
(L) More than \$25,000,000	add 22
(M) More than \$65,000,000	add 24
(N) More than \$150,000,000	add 26
(O) More than \$250,000,000	add 28
(P) More than \$550,000,000	add 30.";

and inserting the following:

"If the loss exceeded \$9,000, increase the offense level as follows:

Loss (apply the greatest)	Increase in level
(A) \$9,000 or less	no increase
(B) More than \$9,000	add 2
(C) More than \$20,000	add 4
(D) More than \$55,000	add 6
(E) More than \$150,000	add 8
(F) More than \$200,000	add 10
(G) More than \$350,000	add 12
(H) More than \$750,000	add 14
(I) More than \$2,000,000	add 16
(J) More than \$5,000,000	add 18
(K) More than \$15,000,000	add 20
(L) More than \$35,000,000	add 22
(M) More than \$90,000,000	add 24

Loss (apply the greatest)	Increase in Level
(N) More than \$200,000,000	add 26
(O) More than \$350,000,000	add 28
(P) More than \$750,000,000	add 30.”.

Section 2B1.4(b)(1) is amended by striking “\$6,500” and inserting “\$9,000”.

Section 2B1.5 is amended by striking “If the value of the cultural heritage resource or paleontological resource (A) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (B) exceeded \$6,500, increase by the

number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount” and inserting “If the value of the cultural heritage resource or paleontological resource (A) exceeded \$3,500 but did not exceed \$9,000, increase by 1 level; or (B) exceeded

\$9,000, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount”.

Section 2B2.1(b)(2) is amended by striking the following:

“If the loss exceeded \$5,000, increase the offense level as follows:

Loss (apply the greatest)	Increase in level
(A) \$5,000 or less	no increase
(B) More than \$5,000	add 1
(C) More than \$20,000	add 2
(D) More than \$95,000	add 3
(E) More than \$500,000	add 4
(F) More than \$1,500,000	add 5
(G) More than \$3,000,000	add 6
(H) More than \$5,000,000	add 7
(I) More than \$9,500,000	add 8.”;

and inserting the following:

“If the loss exceeded \$7,000, increase the offense level as follows:

Loss (apply the greatest)	Increase in level
(A) \$7,000 or less	no increase
(B) More than \$7,000	add 1
(C) More than \$25,000	add 2
(D) More than \$150,000	add 3
(E) More than \$700,000	add 4
(F) More than \$2,000,000	add 5
(G) More than \$4,000,000	add 6
(H) More than \$7,000,000	add 7
(I) More than \$15,000,000	add 8.”.

Section 2B2.3(b)(3) is amended by striking “If (A) the offense involved invasion of a protected computer; and (B) the loss resulting from the invasion (i) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (ii) exceeded \$6,500, increase by the number of levels from the table in

§ 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount” and inserting “If (A) the offense involved invasion of a protected computer; and (B) the loss resulting from the invasion (i) exceeded \$3,500 but did not exceed \$9,000, increase by 1 level; or (ii) exceeded \$9,000, increase

by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount”.

Section 2B3.1 is amended by striking the following:

“If the loss exceeded \$20,000, increase the offense level as follows:

Loss (apply the greatest)	Increase in level
(A) \$20,000 or less	no increase
(B) More than \$20,000	add 1
(C) More than \$95,000	add 2
(D) More than \$500,000	add 3
(E) More than \$1,500,000	add 4
(F) More than \$3,000,000	add 5
(G) More than \$5,000,000	add 6
(H) More than \$9,500,000	add 7.”;

and inserting the following:

“If the loss exceeded \$25,000, increase the offense level as follows:

Loss (apply the greatest)	Increase in level
(A) \$25,000 or less	no increase
(B) More than \$25,000	add 1
(C) More than \$150,000	add 2
(D) More than \$700,000	add 3
(E) More than \$2,000,000	add 4
(F) More than \$4,000,000	add 5
(G) More than \$7,000,000	add 6
(H) More than \$15,000,000	add 7.”.

Section 2B3.2(b)(2) is amended by striking “\$20,000” and inserting “\$25,000”.

Section 2B3.3(b)(1) is amended by striking “If the greater of the amount obtained or demanded (A) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (B) exceeded \$6,500, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount” and inserting “If the greater of the amount obtained or demanded (A) exceeded \$3,500 but did not exceed \$9,000, increase by 1 level; or (B) exceeded \$9,000, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount”.

Section 2B4.1(b)(1) is amended by striking “If the greater of the value of the bribe or the improper benefit to be conferred (A) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (B) exceeded \$6,500, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount” and inserting “If the greater of the value of the bribe or the improper benefit to be conferred (A) exceeded \$3,500 but did not exceed \$9,000, increase by 1 level; or (B) exceeded \$9,000, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount”.

Section 2B5.1(b)(1) is amended by striking “If the face value of the counterfeit items (A) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (B) exceeded \$6,500, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount” and inserting “If the face value

of the counterfeit items (A) exceeded \$3,500 but did not exceed \$9,000, increase by 1 level; or (B) exceeded \$9,000, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount”.

Section 2B5.3(b)(1) is amended by striking “If the infringement amount (A) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (B) exceeded \$6,500, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount” and inserting “If the infringement amount (A) exceeded \$3,500 but did not exceed \$9,000, increase by 1 level; or (B) exceeded \$9,000, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount”.

Section 2B6.1(b)(1) is amended by striking “If the retail value of the motor vehicles or parts (A) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (B) exceeded \$6,500, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount” and inserting “If the retail value of the motor vehicles or parts (A) exceeded \$3,500 but did not exceed \$9,000, increase by 1 level; or (B) exceeded \$9,000, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount”.

Section 2C1.1(b)(2) is amended by striking “\$6,500” and inserting “\$9,000”.

Section 2C1.2(b)(2) is amended by striking “\$6,500” and inserting “\$9,000”.

Section 2C1.8(b)(1) is amended by striking “\$6,500” and inserting “\$9,000”.

Section 2E5.1(b)(2) is amended by striking “If the value of the prohibited payment or the value of the improper benefit to the payer, whichever is greater (A) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (B) exceeded \$6,500, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount” and inserting “If the value of the prohibited payment or the value of the improper benefit to the payer, whichever is greater (A) exceeded \$3,500 but did not exceed \$9,000, increase by 1 level; or (B) exceeded \$9,000, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount”.

Section 2Q2.1(b)(3)(A) is amended by striking “If the market value of the fish, wildlife, or plants (i) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (ii) exceeded \$6,500, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount” and inserting “If the market value of the fish, wildlife, or plants (i) exceeded \$3,500 but did not exceed \$9,000, increase by 1 level; or (ii) exceeded \$9,000, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount”.

Section 2R1.1 is amended by striking the following:

“If the volume of commerce attributable to the defendant was more than \$1,000,000, adjust the offense level as follows:

Volume of commerce (apply the greatest)	Adjustment to offense level
(A) More than \$1,000,000	add 2
(B) More than \$10,000,000	add 4
(C) More than \$50,000,000	add 6
(D) More than \$100,000,000	add 8
(E) More than \$300,000,000	add 10
(F) More than \$600,000,000	add 12
(G) More than \$1,200,000,000	add 14

Volume of commerce (apply the greatest)	Adjustment to offense level
(H) More than \$1,850,000,000	add 16.”;

and inserting the following:

“If the volume of commerce attributable to the defendant was more than \$1,500,000, adjust the offense level as follows:

Volume of commerce (apply the greatest)	Adjustment to offense level
(A) More than \$1,500,000	add 2
(B) More than \$15,000,000	add 4
(C) More than \$70,000,000	add 6
(D) More than \$150,000,000	add 8
(E) More than \$400,000,000	add 10
(F) More than \$800,000,000	add 12
(G) More than \$1,650,000,000	add 14
(H) More than \$2,500,000,000	add 16.”.

Section 2T3.1(a) is amended—
in paragraph (1) by striking “\$1,500”
and inserting “\$2,000”;

in paragraph (2) by striking “\$200”
and inserting “\$300”; and by striking
“\$1,500” and inserting “\$2,000”;

and in paragraph (3) by striking
“\$200” and inserting “\$300”.
Section 2T4.1 is amended by striking
the following:

Tax loss (apply the greatest)	Offense level
(A) \$2,500 or less	6
(B) More than \$2,500	8
(C) More than \$6,500	10
(D) More than \$15,000	12
(E) More than \$40,000	14
(F) More than \$100,000	16
(G) More than \$250,000	18
(H) More than \$550,000	20
(I) More than \$1,500,000	22
(J) More than \$3,500,000	24
(K) More than \$9,500,000	26
(L) More than \$25,000,000	28
(M) More than \$65,000,000	30
(N) More than \$150,000,000	32
(O) More than \$250,000,000	34
(P) More than \$550,000,000	36.”;

and inserting the following:

Tax loss (apply the greatest)	Offense level
(A) \$3,500 or less	6
(B) More than \$3,500	8
(C) More than \$9,000	10
(D) More than \$20,000	12
(E) More than \$55,000	14
(F) More than \$150,000	16
(G) More than \$350,000	18
(H) More than \$750,000	20
(I) More than \$2,000,000	22
(J) More than \$5,000,000	24
(K) More than \$15,000,000	26
(L) More than \$35,000,000	28
(M) More than \$90,000,000	30
(N) More than \$200,000,000	32
(O) More than \$350,000,000	34
(P) More than \$750,000,000	36.”.

Section 5E1.2 is amended—

by striking the following:

FINE TABLE

Offense level	A Minimum	B Maximum
3 and below	\$200	\$9,500
4–5	500	9,500
6–7	1,000	9,500
8–9	2,000	20,000
10–11	4,000	40,000
12–13	5,500	55,000
14–15	7,500	75,000
16–17	10,000	95,000
18–19	10,000	100,000
20–22	15,000	150,000
23–25	20,000	200,000
26–28	25,000	250,000
29–31	30,000	300,000
32–34	35,000	350,000
35–37	40,000	400,000
38 and above	50,000	500,000.”;

and inserting the following:

FINE TABLE

Offense level	A Minimum	B Maximum
3 and below	\$300	\$15,000
4–5	700	15,000
6–7	1,500	15,000
8–9	2,500	25,000
10–11	5,500	55,000
12–13	7,500	75,000
14–15	10,000	100,000
16–17	15,000	150,000
18–19	15,000	150,000
20–22	20,000	200,000
23–25	25,000	250,000
26–28	35,000	350,000
29–31	40,000	400,000
32–34	50,000	500,000
35–37	55,000	550,000
38 and above	70,000	700,000.”;

and in subsection (h)—
in the heading by striking
“Instruction” and inserting
“Instructions”;
and by inserting at the end the
following new paragraph (2):
“(2) For offenses committed on or
after November 1, 2015 but prior to
November 1, 2026, use the applicable
fine guideline range that was set forth in
the version of § 5E1.2(c) that was in
effect on November 1, 2025, rather than
the applicable fine guideline range set
forth in subsection (c) above.”.
Section 8C2.4 is amended—
in subsection (d) by striking the
following:

Offense level	Amount
6 or less	\$8,500
7	15,000
8	15,000
9	25,000
10	35,000

Offense level	Amount
11	50,000
12	70,000
13	100,000
14	150,000
15	200,000
16	300,000
17	450,000
18	600,000
19	850,000
20	1,000,000
21	1,500,000
22	2,000,000
23	3,000,000
24	3,500,000
25	5,000,000
26	6,500,000
27	8,500,000
28	10,000,000
29	15,000,000
30	20,000,000
31	25,000,000
32	30,000,000
33	40,000,000
34	50,000,000

Offense level	Amount
35	65,000,000
36	80,000,000
37	100,000,000
38 or more	150,000,000.”;

and inserting the following:

Offense level	Amount
6 or less	\$10,000
7	20,000
8	20,000
9	35,000
10	50,000
11	70,000
12	95,000
13	150,000
14	200,000
15	250,000
16	400,000
17	600,000
18	800,000
19	1,000,000
20	1,500,000

Offense level	Amount
21	2,000,000
22	2,500,000
23	4,000,000
24	5,000,000
25	7,000,000
26	9,000,000
27	10,000,000
28	15,000,000
29	20,000,000
30	25,000,000
31	35,000,000
32	40,000,000
33	55,000,000
34	70,000,000
35	90,000,000
36	100,000,000
37	150,000,000
38 or more	200,000,000.”;

and in subsection (e)—
in the heading by striking
“Instruction” and inserting
“Instructions”;

and by inserting at the end of
the following new paragraph (2):
“(2) For offenses committed on or
after November 1, 2015 but prior to
November 1, 2026, use the offense level
fine table that was set forth in the
version of § 8C2.4(d) that was in effect
on November 1, 2025, rather than the
offense level fine table set forth in
subsection (d) above.”.

Issues for Comment

1. The Commission seeks comment on whether the monetary tables in the guidelines should be adjusted for inflation. The monetary tables set forth in the proposed amendment relate to a variety of different offenses and apply to a number of different criminal statutes. Given the difference between the types of offenses, should all monetary tables be adjusted for inflation? Do the types of offenses or statutory provisions related to any of the monetary tables suggest that it should not be adjusted for inflation?

2. The Commission seeks comment on whether the monetary tables in the guidelines should be adjusted on a regular basis, such as on an annual, five-year, or ten-year basis, or at particular inflationary measures, such as when \$1.00 in the year the table was last adjusted has the same buying power as \$1.25 or \$1.33 or \$1.50 in the current year? Should the Commission incorporate directly into the guidelines a mechanism for automatically adjusting for inflation? Would the incorporation of such a mechanism be consistent with the Commission’s statutory authority?

3. Economic Crimes

Synopsis of Proposed Amendment: In August 2025, the Commission identified as one of its policy priorities for the amendment cycle ending May 1, 2026, “[e]xamination of § 2B1.1 (Theft, Property Destruction, and Fraud) and related guidelines to ensure the guidelines appropriately reflect the culpability of the individual and the harm to the victim, including [] reassessing the role of actual loss, intended loss, and gain[] considering whether the loss table in § 2B1.1 should be revised to simplify application or to adjust for inflation,” and “possible consideration of amendments that might be appropriate.” U.S. Sent’g Comm’n, “Notice of Final Priorities,” 90 FR 39263 (Aug. 14, 2025).

This proposed amendment contains two parts (Parts A and B). The Commission is considering whether to promulgate either or both of these parts, as they are not mutually exclusive.

Part A of the proposed amendment would restructure the loss table at § 2B1.1(b)(1) to simplify application of the table. Issues for comment are also provided.

Part B of the proposed amendment would amend existing specific offense characteristics (SOCs) and add new SOC to § 2B1.1 to reflect the culpability of the individual and harm to the victim. Issues for comment are also provided.

(A) Restructuring the Loss Table

Synopsis of Proposed Amendment: The loss table at § 2B1.1(b)(1) provides a tiered enhancement based on the amount of loss resulting from the offense. Currently, there are 16 levels resulting in either no increase or an increase of up to 30 levels.

The Commission has received comment from some stakeholders advocating revising the loss table to simplify application and reduce the fact-finding burden on courts. *Part A* of the proposed amendment seeks to accomplish this by reducing the number of levels in the table. By reducing the number of levels in the table, the Commission seeks to ease the court’s burden in cases involving a loss amount near the margins of two levels.

As a starting point, *Part A* of the proposed amendment restructures the loss table with wider ranges based on an analysis of the loss amount attributed to each sentenced individual in fiscal year 2024, creating five groups (or quintiles),

with the loss amount for each group representing approximately 20 percent of the individuals sentenced under § 2B1.1.

For individuals sentenced in fiscal year 2024, the data show that for approximately 20 percent of individuals sentenced under § 2B1.1, the offense involved \$15,000 or less of loss, resulting in either no enhancement or a 2-level enhancement; approximately 20 percent involved between \$15,000 and \$95,000, resulting in a 4- or 6-level enhancement; approximately 20 percent involved between \$95,000 and \$250,000, resulting in an 8- or 10-level enhancement; approximately 20 percent involved between \$250,000 and \$1,500,000, resulting in a 12- or 14-level enhancement; and approximately 20 percent involved more than \$1,500,000 of loss, resulting in an enhancement ranging from 16 to 30-levels.

Part A of the proposed amendment would consolidate the loss table so that each of the first five levels would account for approximately 20 percent (a quintile) of cases sentenced under § 2B1.1 as reflected by the data described above. It also brackets the possibility of amending the offense level enhancement associated with each category. Under the revised table, offenses involving \$15,000 of loss or less would receive no increase, offenses involving more than \$15,000 of loss would receive a [4]-level increase, offenses involving more than \$95,000 of loss would receive an [8]-level increase, offenses involving more than \$250,000 of loss would receive a [12]-level increase, and offenses involving more than \$1,500,000 of loss would receive a [16]-level increase.

The revised table retains the loss categories in the top quintile for offenses involving more than \$9,500,000, \$65,000,000, and \$250,000,000 while bracketing the possibility of amending the associated offense level enhancements. These categories are retained to provide an offense level increase for individuals with the highest loss amounts.

The proposed amendment includes conforming changes to guidelines that refer to the loss table at § 2B1.1.

Issues for comment are also provided.

Proposed Amendment:

Section 2B1.1 is amended by striking the following:

“If the loss exceeded \$6,500, increase the offense level as follows:

Loss (apply the greatest)	Increase in level
(A) \$6,500 or less	no increase

Loss (apply the greatest)	Increase in level
(B) More than \$6,500	add 2
(C) More than \$15,000	add 4
(D) More than \$40,000	add 6
(E) More than \$95,000	add 8
(F) More than \$150,000	add 10
(G) More than \$250,000	add 12
(H) More than \$550,000	add 14
(I) More than \$1,500,000	add 16
(J) More than \$3,500,000	add 18
(K) More than \$9,500,000	add 20
(L) More than \$25,000,000	add 22
(M) More than \$65,000,000	add 24
(N) More than \$150,000,000	add 26
(O) More than \$250,000,000	add 28
(P) More than \$550,000,000	add 30.”;

and inserting the following:

“If the loss exceeded \$15,000,
increase the offense level as follows:

Loss (apply the greatest)	Increase in level
(A) \$15,000 or less	no increase
(B) More than \$15,000	add [4]
(C) More than \$95,000	add [8]
(D) More than \$250,000	add [12]
(E) More than \$1,500,000	add [16]
(F) More than \$9,500,000	add [20]
(G) More than \$65,000,000	add [24]
(H) More than \$250,000,000	add [28].”.

Section 2B1.4(b)(1) is amended by striking “\$6,500” and inserting “\$15,000”.

Section 2B1.5(b)(1) is amended by striking “\$6,500” both places such term appears and inserting “\$15,000”.

Section 2B2.3(b)(3) is amended by striking “\$6,500” both places such term appears and inserting “\$15,000”.

Section 2B3.3(b)(1) is amended by striking “\$6,500” both places such term appears and inserting “\$15,000”.

Section 2B4.1(b)(1) is amended by striking “\$6,500” both places such term appears and inserting “\$15,000”.

Section 2B5.1(b)(1) is amended by striking “\$6,500” both places such term appears and inserting “\$15,000”.

Section 2B5.3(b)(1) is amended by striking “\$6,500” both places such term appears and inserting “\$15,000”.

Section 2B6.1(b)(1) is amended by striking “\$6,500” both places such term appears and inserting “\$15,000”.

Section 2C1.1(b)(2) is amended by striking “\$6,500” and inserting “\$15,000”.

Section 2C1.2(b)(2) is amended by striking “\$6,500” and inserting “\$15,000”.

Section 2C1.8(b)(1) is amended by striking “\$6,500” and inserting “\$15,000”.

Section 2E5.1(b)(2) is amended by striking “\$6,500” both places such term appears and inserting “\$15,000”.

Section 2Q2.1(b)(3)(A) is amended by striking “\$6,500” both places such term appears and inserting “\$15,000”.

Issues for Comment

1. The Commission seeks comment on whether the restructured loss table sufficiently accounts for the financial harm in economic crime offenses. Would the proposed revisions to the loss table advance the Commission’s goals of simplifying application and reducing the court’s fact-finding burden? What are the advantages and disadvantages of broader categories of loss? Are there other approaches the Commission should consider?

2. Part A of the proposed amendment would amend the loss table by establishing a loss exceeding \$15,000 as the threshold to trigger an enhancement. The Commission seeks comment on whether this amount is the appropriate threshold to trigger an enhancement under the table. If not, what amount should it be?

3. Part A of the proposed amendment would maintain the offense level enhancement associated with each of the remaining loss categories. The Commission seeks comment on whether the offense level enhancements should be revised to account for the restructuring of the loss table. If so, how should they be revised? That is, what is

the increase in offense level that should result from each loss category?

(B) Culpability Factors

Synopsis of Proposed Amendment: A wide variety of economic crimes are referenced to § 2B1.1. To account for the range of conduct, § 2B1.1 contains 20 specific offense characteristics (SOCs) and four cross-references to other guidelines.

Among the 20 SOC is a provision providing a tiered enhancement based on the number of victims and the level of financial hardship to those victims resulting from the offense. USSG § 2B1.1(b)(2). There is also an enhancement if the individual committed the offense using “sophisticated means.” USSG § 2B1.1(b)(10)(C).

The Commission has heard from some stakeholders that § 2B1.1 does not appropriately reflect the culpability of sentenced individuals or the harm experienced by the victims. Specifically, some stakeholders have suggested that the guidelines should measure an individual’s culpability by considering the non-economic harm to victims, in addition to the economic impact and number of victims. Additionally, some stakeholders have asked the Commission to consider amending the sophisticated means enhancement because, in their view, the enhancement

is applied too broadly and for conduct that is not complex or intricate. These stakeholders suggest that the enhancement is often based on conduct that is inherent in economic crime offenses and therefore is captured by the base offense level. Some stakeholders have also noted that the enhancement is not applied uniformly because the guidelines do not provide a clear standard. Some stakeholders have also expressed concern that § 2B1.1 does not adequately account for mitigating factors for individuals with limited involvement in the offense.

Part B of the proposed amendment seeks to address these concerns.

Part B of the proposed amendment would create a new specific offense characteristic at § 2B1.1(b)(3) by adding an enhancement for offenses that resulted in substantial non-economic harm to one or more victims. The amendment brackets the possibility of a 2-, 3-, or 4-level enhancement. It would also provide a list of examples of “non-economic harm,” including physical harm, psychological harm, emotional trauma, harm to reputation or credit rating, and invasion of privacy.

Part B of the proposed amendment would amend the sophisticated means enhancement at renumbered § 2B1.1(b)(11). It would revise the definition of “sophisticated means” to mean “committing or concealing an offense with a greater level of complexity than typical for an offense of that nature” and provide further guidance for courts to use when determining whether conduct fits the definition. Additionally, the definition of “United States,” as it applies to the provision, would be moved from the commentary to the text of the guideline.

Part B of the proposed amendment would also add two mitigating factors. The first would provide for a [2]-level decrease if the defendant committed the offense at the direction of his or her employer for fear of negative employment consequences; was motivated by an intimate or familial relationship or by threats or fear to commit the offense and was otherwise unlikely to commit such an offense; or was unusually vulnerable to being persuaded or induced to commit the offense due to a physical or mental condition. The second mitigating factor would provide for a tiered decrease based on whether, prior to the defendant’s knowledge of the criminal investigation or prosecution for the offense, the defendant voluntarily ceased the criminal activity, made efforts to return the money or property to the victim, or reported the offense to appropriate governmental authorities.

Additionally, the § 2B1.1 specific offense characteristics vary widely in frequency of use. As part of its ongoing efforts to simplify the *Guidelines Manual*, the Commission is considering deleting three specific offense characteristics that courts have applied infrequently (fewer than 1% of cases) in the last five fiscal years: § 2B1.1(b)(3), (4), and (13).

Issues for comment are also provided.

Proposed Amendment:

Section 2B1.1(b) is amended—

by redesignating paragraphs (3) through (20) as paragraphs (4) through (21), respectively;

by inserting after paragraph (2) the following new paragraph (3):

“(3) If the offense resulted in substantial non-economic harm to one or more victims, increase by [2][3][4] levels. For purposes of this provision, ‘non-economic harm’ includes such harms as physical harm, psychological harm, emotional trauma, harm to reputation or credit rating, and invasion of privacy interest.”;

in paragraph (11) (as so redesignated) by inserting at the end the following:

“For purposes of this provision:

‘Sophisticated means’ means committing or concealing an offense with a greater level of complexity than typical for an offense of that nature. Such complexity may be achieved through various methods, including by using advanced or emerging technologies [in ways not routinely employed by everyday users][in a more specialized, elaborate, or unusual way than an ordinary user would]. Sophisticated means are often used to increase the scale of the offense or to make especially difficult the detection of the offense [or the detection of the defendant’s participation in the offense].

‘United States’ means each of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.”;

in paragraph (18)(C) (as so redesignated) by striking “subsections (b)(2) and (b)(17)(B)” and inserting “subsections (b)(2) and (b)(18)(B)”;

and by inserting at the end the following new paragraphs (22) and (23):

“(22) If the defendant (A) committed the offense at the direction of his or her employer for fear of negative employment consequences; (B) was motivated by an intimate or familial relationship or by threats or fear to commit the offense and was otherwise unlikely to commit such an offense; or (C) was unusually vulnerable to being persuaded or induced to commit the

offense due to a physical or mental condition, decrease by [2] levels.

(23) (Apply the greatest) If, prior to the defendant’s knowledge of the criminal investigation or prosecution for the offense, the defendant—

(A) voluntarily ceased the criminal activity, [returned the money or property to the victim][made a good faith effort to the maximum extent possible to return the money or property to the victim], and reported the offense to appropriate governmental authorities, decrease by [2][4][6] levels;

(B) voluntarily ceased the criminal activity and [returned the money or property to the victim][made a good faith effort to the maximum extent possible to return the money or property to the victim], decrease by [2][4] levels; or

(C) voluntarily ceased the criminal activity, decrease by [2] levels.”.

The Commentary to § 2B1.1 captioned “Application Notes” is amended—

in Note 5 by striking “(b)(4)” both places such term appears and inserting “(b)(5)”;

in Note 6 by striking “(b)(6)” both places such term appears and inserting “(b)(7)”;

in Note 7 by striking “(b)(8)(B)” both places such term appears and inserting “(b)(9)(B)”;

in Note 8—

in the heading by striking “(b)(9)” and inserting “(b)(10)”

in subparagraph (A) by striking “(b)(9)” and inserting “(b)(10)”;

in subparagraph (B) by striking “(b)(9)(A)” both places such term appears and inserting “(b)(10)(A)”;

in subparagraph (C) by striking “(b)(9)(C)” and inserting “(b)(10)(C)”;

in subparagraph (D) by striking “(b)(9)(D)” and inserting “(b)(10)(D)”;

in subparagraph (E)(i) by striking “(b)(9)(A)” both places such term appears and inserting “(b)(10)(A)”;

and in subparagraph (E)(ii) by striking “(b)(9)(B)” both places such term appears and inserting “(b)(10)(B)”;

in Note 9 by striking the following:

“Application of Subsection (b)(10).—

(A) *Definition of United States.*—For purposes of subsection (b)(10)(B), ‘United States’ means each of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(B) *Sophisticated Means Enhancement under Subsection (b)(10)(C).*—For purposes of subsection (b)(10)(C), ‘sophisticated means’ means especially complex or especially intricate offense conduct pertaining to

the execution or concealment of an offense. For example, in a telemarketing scheme, locating the main office of the scheme in one jurisdiction but locating soliciting operations in another jurisdiction ordinarily indicates sophisticated means. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts also ordinarily indicates sophisticated means.

(C) *Non-Applicability of Chapter Three Adjustment.*—If the conduct that forms the basis for an enhancement under subsection (b)(10) is the only conduct that forms the basis for an adjustment under § 3C1.1, do not apply that adjustment under § 3C1.1.”; and inserting the following new Note 9:

“*Application of Subsection (b)(11).*—

[(A) *Sophisticated Means Enhancement under Subsection (b)(11)(C).*—For purposes of subsection (b)(11)(C), an example of conduct ordinarily indicating sophisticated means includes, in a telemarketing scheme, locating the main office of the scheme in one jurisdiction but locating soliciting operations in another jurisdiction. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts also ordinarily indicates sophisticated means.

(B) *Non-Applicability of Chapter Three Adjustment.*—If the conduct that forms the basis for an enhancement under subsection (b)(11) is the only conduct that forms the basis for an adjustment under § 3C1.1, do not apply that adjustment under § 3C1.1.”;

in Note 10—
in the heading by striking “(b)(11)” and inserting “(b)(12)”;
in subparagraph (A) by striking “(b)(11)” and inserting “(b)(12)”;
in subparagraph (C)—
in the heading by striking “(b)(11)(C)(i)” and inserting “(b)(12)(C)(i)”;
in subparagraph (i) by striking “(b)(11)(C)(i)” and inserting “(b)(12)(C)(i)”;
in subparagraph (ii) by striking “(b)(11)(C)(i)” and inserting “(b)(12)(C)(i)”;
and in subparagraph (iii) by striking “(b)(11)(C)(i)” both places such term appears and inserting “(b)(12)(C)(i)”;
and in subparagraph (D) by striking “(b)(11)(C)(ii)” both places such term appears and inserting “(b)(12)(C)(ii)”;
in Note 11 by striking “(b)(13)” both places such term appears and inserting “(b)(14)”;

in Note 12 by striking “(b)(15)” both places such term appears and inserting “(b)(16)”;

in Note 13—
in the heading by striking “(b)(17)(A)” and inserting “(b)(18)(A)”;
and in subparagraph (A) by striking “(b)(17)(A)” and inserting “(b)(18)(A)”;
in Note 14—
in the heading by striking “(b)(17)(B)” and inserting “(b)(18)(B)”;
in subparagraph (A) in the heading by striking “(b)(17)(B)(i)” and inserting “(b)(18)(B)(i)”;

and in subparagraph (B) in the heading by striking “(b)(17)(B)(ii)” and inserting “(b)(18)(B)(ii)”;

in Note 15—
in the heading by striking “(b)(19)” and inserting “(b)(20)”;

in subparagraph (A) by striking “(b)(19)” and inserting “(b)(20)”;
and in subparagraph (B) by striking “(b)(19)(A)(iii)” both places such term appears and inserting “(b)(20)(A)(iii)”;
and striking “(b)(17)(B)” both places such term appears and inserting “(b)(18)(b)”;

and in Note 16—
in the heading by striking “(b)(20)” and inserting “(b)(21)”;

in subparagraph (A) by striking “(b)(20)” and inserting “(b)(21)”;
in subparagraph (B) by striking “(b)(20)” and inserting “(b)(21)”;
and in subparagraph (C) by striking “(b)(20)” and inserting “(b)(21)”.

The Commentary to § 2B1.1 captioned “Background” is amended by striking the following:

“Subsection (b)(5) implements the instruction to the Commission in section 2 of Public Law 105–101 and the directive to the Commission in section 3 of Public Law 110–384.

Subsection (b)(7) implements the directive to the Commission in section 10606 of Public Law 111–148.

Subsection (b)(8) implements the directive to the Commission in section 7 of Public Law 112–186.

Subsection (b)(9)(D) implements, in a broader form, the directive in section 3 of the College Scholarship Fraud Prevention Act of 2000, Public Law 106–420.

Subsection (b)(10) implements, in a broader form, the instruction to the Commission in section 6(c)(2) of Public Law 105–184.

Subsections (b)(11)(A)(i) and (B)(i) implement the instruction to the Commission in section 4 of the Wireless Telephone Protection Act, Public Law 105–172.

Subsection (b)(11)(C) implements the directive to the Commission in section 4 of the Identity Theft and Assumption Deterrence Act of 1998, Public Law

105–318. This subsection focuses principally on an aggravated form of identity theft known as ‘affirmative identity theft’ or ‘breeding’, in which a defendant uses another individual’s name, social security number, or some other form of identification (the ‘means of identification’) to ‘breed’ (*i.e.*, produce or obtain) new or additional forms of identification. Because 18 U.S.C. 1028(d) broadly defines ‘means of identification’, the new or additional forms of identification can include items such as a driver’s license, a credit card, or a bank loan. This subsection provides a minimum offense level of level 12, in part because of the seriousness of the offense. The minimum offense level accounts for the fact that the means of identification that were ‘bred’ (*i.e.*, produced or obtained) often are within the defendant’s exclusive control, making it difficult for the individual victim to detect that the victim’s identity has been ‘stolen.’ Generally, the victim does not become aware of the offense until certain harms have already occurred (*e.g.*, a damaged credit rating or an inability to obtain a loan). The minimum offense level also accounts for the non-monetary harm associated with these types of offenses, much of which may be difficult or impossible to quantify (*e.g.*, harm to the individual’s reputation or credit rating, inconvenience, and other difficulties resulting from the offense). The legislative history of the Identity Theft and Assumption Deterrence Act of 1998 indicates that Congress was especially concerned with providing increased punishment for this type of harm.

Subsection (b)(12) implements the directive in section 5 of Public Law 110–179.

Subsection (b)(14) implements the directive in section 3 of Public Law 112–269.

Subsection (b)(16)(B) implements, in a broader form, the instruction to the Commission in section 110512 of Public Law 103–322.

Subsection (b)(17)(A) implements, in a broader form, the instruction to the Commission in section 2507 of Public Law 101–647.

Subsection (b)(17)(B)(i) implements, in a broader form, the instruction to the Commission in section 961(m) of Public Law 101–73.

Subsection (b)(18) implements the directive in section 209 of Public Law 110–326.

Subsection (b)(19) implements the directive in section 225(b) of Public Law 107–296. The minimum offense level of level 24 provided in subsection (b)(19)(B) for an offense that resulted in a substantial disruption of a critical

infrastructure reflects the serious impact such an offense could have on national security, national economic security, national public health or safety, or a combination of any of these matters.”;

and inserting the following:

“Subsection (b)(6) implements the instruction to the Commission in section 2 of Public Law 105–101 and the directive to the Commission in section 3 of Public Law 110–384.

Subsection (b)(8) implements the directive to the Commission in section 10606 of Public Law 111–148.

Subsection (b)(9) implements the directive to the Commission in section 7 of Public Law 112–186.

Subsection (b)(10)(D) implements, in a broader form, the directive in section 3 of the College Scholarship Fraud Prevention Act of 2000, Public Law 106–420.

Subsection (b)(11) implements, in a broader form, the instruction to the Commission in section 6(c)(2) of Public Law 105–184.

Subsections (b)(12)(A)(i) and (B)(i) implement the instruction to the Commission in section 4 of the Wireless Telephone Protection Act, Public Law 105–172.

Subsection (b)(12)(C) implements the directive to the Commission in section 4 of the Identity Theft and Assumption Deterrence Act of 1998, Public Law 105–318. This subsection focuses principally on an aggravated form of identity theft known as ‘affirmative identity theft’ or ‘breeding’, in which a defendant uses another individual’s name, social security number, or some other form of identification (the ‘means of identification’) to ‘breed’ (*i.e.*, produce or obtain) new or additional forms of identification. Because 18 U.S.C. 1028(d) broadly defines ‘means of identification’, the new or additional forms of identification can include items such as a driver’s license, a credit card, or a bank loan. This subsection provides a minimum offense level of level 12, in part because of the seriousness of the offense. The minimum offense level accounts for the fact that the means of identification that were ‘bred’ (*i.e.*, produced or obtained) often are within the defendant’s exclusive control, making it difficult for the individual victim to detect that the victim’s identity has been ‘stolen.’ Generally, the victim does not become aware of the offense until certain harms have already occurred (*e.g.*, a damaged credit rating or an inability to obtain a loan). The minimum offense level also accounts for the non-monetary harm associated with these types of offenses, much of which may be difficult or impossible to quantify (*e.g.*, harm to the

individual’s reputation or credit rating, inconvenience, and other difficulties resulting from the offense). The legislative history of the Identity Theft and Assumption Deterrence Act of 1998 indicates that Congress was especially concerned with providing increased punishment for this type of harm.

Subsection (b)(13) implements the directive in section 5 of Public Law 110–179.

Subsection (b)(15) implements the directive in section 3 of Public Law 112–269.

Subsection (b)(17)(B) implements, in a broader form, the instruction to the Commission in section 110512 of Public Law 103–322.

Subsection (b)(18)(A) implements, in a broader form, the instruction to the Commission in section 2507 of Public Law 101–647.

Subsection (b)(18)(B)(i) implements, in a broader form, the instruction to the Commission in section 961(m) of Public Law 101–73.

Subsection (b)(19) implements the directive in section 209 of Public Law 110–326.

Subsection (b)(20) implements the directive in section 225(b) of Public Law 107–296. The minimum offense level of level 24 provided in subsection (b)(20)(B) for an offense that resulted in a substantial disruption of a critical infrastructure reflects the serious impact such an offense could have on national security, national economic security, national public health or safety, or a combination of any of these matters.”.

The Commentary to § 2B1.1 captioned “Application Notes” is amended—in Note 2 by striking “§ 2B1.1(b)(9)(C)” and inserting “§ 2B1.1(b)(10)(C)”; and in Note 3 by striking “§ 2B1.1(b)(9)(C)” and inserting “§ 2B1.1(b)(10)(C)”.

Chapter Three, Part D is amended in the Concluding Commentary to Part D of Chapter Three in Example 3 by striking “§ 2B1.1(b)(10)” and inserting “§ 2B1.1(b)(11)”.

Issues for Comment

1. The Commission seeks comment on whether Part B of the proposed amendment’s addition of new subsection (b)(3) adequately addresses substantial non-economic harm to victims. If not, what additional factors or other provisions should the Commission include to address those harms?

How should this new enhancement interact with other provisions in § 2B1.1 (Theft, Property Destruction, and Fraud) that account for harm to victims? For example, how should this new enhancement interact with the victims

table in subsection (b)(2), the enhancement for theft from the person of another in renumbered subsection (b)(4), the enhancement for means of identification in renumbered subsection (b)(12), and the enhancement for unauthorized public dissemination of personal information in renumbered subsection (b)(19)(B)? Should this new enhancement be cumulative with the victims table and the other enhancements, or should the Commission reduce the cumulative impact of these various provisions?

2. Part B of the proposed amendment would amend the definition of “sophisticated means” to mean “committing or concealing an offense with a greater level of complexity than typical for an offense of that nature.” It would also include a provision stating that the complexity required by the “sophisticated means” definition “may be achieved through various methods, including by using advanced or emerging technologies [in ways not routinely employed by everyday users][in a more specialized, elaborate, or unusual way than an ordinary user would].” The Commission seeks comment on whether the proposed amended definition of “sophisticated means” is the appropriate definition. Is it an improvement over the current definition? Should the Commission provide guidance regarding the level of complexity that is typical for an offense of that nature? If so, what type of guidance should the Commission provide? Further, should the Commission provide additional guidance on what should be considered “advanced or emerging technologies” or on how such technologies must be used for purposes of applying the proposed definition? If so, what guidance should the Commission provide?

Additionally, Part B of the proposed amendment brackets the possibility of maintaining the examples of “sophisticated means” provided in Application Note 9, providing that, in a telemarketing scheme, locating the main office of the scheme in one jurisdiction but locating soliciting operations in another jurisdiction ordinarily indicates sophisticated means and that conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts also ordinarily indicates sophisticated means. If the Commission amends the definition of “sophisticated means,” should the Commission maintain these examples? If not, should the Commission add additional factors or other provisions to the definition of “sophisticated means”?

3. Part B of the proposed amendment would add to § 2B1.1 a new [2]-level reduction at subsection (b)(22) if the individual committed the offense under coercion or duress. The Commission seeks comment on whether this new adjustment should apply more narrowly or more broadly. The Commission also seeks comment on whether the criteria provided for this new reduction are appropriate. Should any criterion be deleted or changed? Should the Commission provide additional or different criteria?

4. Part B of the proposed amendment would add to § 2B1.1 a new tiered reduction at subsection (b)(23) if the defendant took certain actions prior to the defendant's knowledge of the criminal investigation or prosecution of the offense. The Commission seeks comment on whether this new adjustment should apply more narrowly or more broadly. The Commission also seeks comment on whether the criteria provided for this new reduction are appropriate. Should any criterion be deleted or changed? Should the Commission provide additional or different criteria? Should the proposed amendment instead replace the tiered approach with a multi-factor test? If so, what factors should be included for courts to consider when determining whether to provide an offense level reduction?

The Commission is also considering a separate proposed amendment that would provide a reduction at newly created § 3E1.2 (Post-Offense Rehabilitation) based on a defendant's positive post-offense behavior or rehabilitative efforts. The Commission seeks comment on how the proposed reduction at § 2B1.1(b)(23) under Part B of this proposed amendment should interact with the proposed reduction at § 3E1.2 under the other amendment. Should the proposed reduction at § 2B1.1(b)(23) be cumulative with a reduction at § 3E1.2 for post-offense rehabilitation, or should the Commission limit the cumulative reduction of these provisions? Are there other provisions in the *Guidelines Manual* that would interact with the proposed reduction at § 2B1.1(b)(23)? If so, how should the Commission account for the interaction(s)?

5. Section 2B1.1 contains specific offense characteristics (SOCs) that are applied infrequently. The Commission seeks comment on whether it should simplify the guideline by amending or removing three infrequently applied SOCs: § 2B1.1(b)(3) ("If the offense involved a theft from the person of another, increase by 2 levels"), (b)(4) ("If the offense involved receiving

stolen property, and the defendant was a person in the business of receiving and selling stolen property, increase by 2 levels"), and (b)(13) ("if the defendant was convicted under 42 U.S.C. 408(a), § 1011(a), or § 1383a(a) and the statutory maximum term of ten years' imprisonment applies, increase by 4 levels. If the resulting offense level is less than 12, increase to level 12"). If so, by what criteria should the Commission determine which SOCs to amend or remove?

4. Post-Offense Rehabilitation Adjustment

Synopsis of Proposed Amendment: In August 2025, the Commission identified as one of its policy priorities for the amendment cycle ending May 1, 2026, "[e]xamination of whether the guidelines provide appropriate adjustments for good behavior . . . and possible consideration of amendments that might be appropriate." U.S. Sent'g Comm'n, "Notice of Final Priorities," 90 FR 39263 (Aug. 14, 2025).

The Commission has received comment suggesting that the guidelines do not sufficiently incentivize or reward positive post-offense conduct and rehabilitative efforts taken by defendants prior to sentencing. While § 3E1.1 (Acceptance of Responsibility) accounts for some types of positive post-offense conduct when the court considers a reduction for acceptance of responsibility, and § 5K1.1 (Substantial Assistance to Authorities) accounts for the defendant's cooperation with authorities, commenters have recommended that the Commission consider positive post-offense conduct going beyond that covered by both guidelines.

In response to these suggestions, the proposed amendment would add a new Chapter Three adjustment at § 3E1.2 (Post-Offense Rehabilitation) providing a reduction if the defendant demonstrates positive post-offense behavior or rehabilitative efforts. The proposed amendment sets forth two options for the adjustment.

Option 1 provides in subsection (a) for a reduction when the defendant demonstrates prior to sentencing positive post-offense behavior or rehabilitative efforts. Subsection (b) instructs the court that, in determining whether a defendant qualifies for the reduction, it shall consider the actions and efforts [voluntarily initiated][undertaken] by the defendant for the benefit of the defendant's own rehabilitation, victim(s) of the offense, community, or other people. It then provides a non-exhaustive list of factors for the court to consider in making this

determination. Subsection (c) provides for an additional reduction if the defendant qualifies for a decrease under subsection (a) and the positive post-offense behavior or rehabilitative efforts were undertaken before the criminal investigation or prosecution for the offense.

Option 2 provides in subsection (a) for a reduction if the defendant demonstrates a sustained commitment to positive behavioral change evidenced by post-offense behavior or rehabilitative efforts that go beyond the typical actions undertaken by defendants prior to sentencing. Subsection (b) instructs the court that, in determining whether a defendant qualifies for the reduction, it shall consider the actions and efforts [voluntarily initiated][undertaken] by the defendant, and the timing of such actions and efforts, for the benefit of the defendant's own rehabilitation, victim(s) of the offense, community, or other people. It then provides some broad examples of the types of efforts the court should consider for the adjustment, instead of a list of considerations like the one provided in Option 1.

Issues for comment are also provided.

Proposed Amendment:

Chapter Three, Part E is amended—in the heading by striking "ACCEPTANCE OF RESPONSIBILITY" and inserting "ACCEPTANCE OF RESPONSIBILITY AND POST-OFFENSE REHABILITATION"; and by inserting at the end the following new guideline:

Option 1 (Tiered Adjustments With Specific Considerations)

"§ 3E1.2. Post-Offense Rehabilitation"

(a) If the defendant demonstrates prior to sentencing positive post-offense behavior or rehabilitative efforts, decrease the offense level by [1][2][3] levels.

(b) In determining whether a defendant qualifies for a reduction under subsection (a), the court shall consider the actions and efforts [voluntarily initiated][undertaken] by the defendant for the benefit of the defendant's own rehabilitation, victim(s) of the offense, community, or other people. Appropriate considerations include the following:

(1) The defendant took appropriate steps to reduce or remedy the harm caused by the offense.

(2) The defendant made [voluntary] payment of restitution or [voluntarily] entered into an installment payment schedule for making restitution to any victims of the offense(s).

(3) The defendant completed or is successfully participating in a [voluntary] court rehabilitation program.

(4) The defendant completed or is successfully participating in a treatment program to address the abuse of drugs, alcohol, or gambling.

(5) The defendant completed or is successfully participating in counseling (e.g., mental health or anger management).

(6) The defendant completed or is successfully participating in a General Education Development (or similar) program, vocational training, or skills training.

(7) The defendant maintained or obtained gainful employment.

(8) The defendant provided [voluntary and] consistent financial support to family members or dependents.

(9) The defendant performed volunteer or other civic, charitable, or public service in the community.

(10) The defendant assisted in preventing another person from engaging in unlawful conduct.

(11) The defendant assisted in promoting another person's rehabilitation (e.g., identifying or getting into treatment a person addicted to or regularly abusing controlled substances).

(c) If the defendant qualifies for a decrease under subsection (a) and the positive post-offense behavior or rehabilitative efforts were undertaken before the criminal investigation or prosecution for the offense, decrease the offense level by [1][2] additional [level][levels].”

Option 2 (Adjustment Based on Standard With Examples)

“§ 3E1.2. Post-Offense Rehabilitation

(a) If the defendant demonstrates a sustained commitment to positive behavioral change evidenced by post-offense behavior or rehabilitative efforts that go beyond the typical actions undertaken by defendants prior to sentencing, decrease the offense level by [1][2][3][4] levels.

(b) In determining whether a defendant qualifies for a reduction under subsection (a), the court should consider the actions and efforts [voluntarily initiated][undertaken] by the defendant, and the timing of such actions and efforts, for the benefit of the defendant's own rehabilitation, victim(s) of the offense, community, or other people. In making such determination, the court may consider any rehabilitative efforts undertaken by the defendant, including personal and behavioral changes of the defendant, steps taken to reduce or remedy the harm caused by the offense, substance

abuse rehabilitation, employment history, academic and vocational achievements, role model behavior, and community and family involvement.”.

Issues for Comment

1. The Commission has received comment suggesting that the guidelines do not sufficiently incentivize or reward positive post-offense conduct and rehabilitative efforts taken by defendants prior to sentencing. The Commission seeks comment on whether the proposed Chapter Three adjustment appropriately addresses these concerns. In determining whether to apply the proposed reduction, should the court consider a defendant's successful compliance with their pre-trial conditions of release, if applicable, or institutional rules, if detained? For example, should defendants only be considered for the proposed reduction if they complied with all conditions of supervision prior to sentencing or all institutional rules if detained prior to sentencing? Are the considerations identified in Option 1 and the examples provided in Option 2 appropriate for courts to consider in determining whether a reduction under § 3E1.2 is warranted? Should the Commission provide additional or different considerations or examples? If so, what should the Commission provide? Should any consideration(s) or example(s) be excluded from consideration? If so, which ones?

2. The Commission seeks comment on whether it should revise Option 2 of the proposed amendment to provide for a tiered reduction. For example, should Option 2 provide for a reduction based on a defendant's successful compliance with their pre-trial conditions of release, if applicable, or institutional rules, if detained? Should Option 2 then provide for an additional reduction based on post-offense behavior or rehabilitative efforts undertaken by the defendant that go beyond the typical actions undertaken by defendants prior to sentencing?

3. The Commission seeks comment on how the proposed reduction for post-offense rehabilitation should take into account the timing of the rehabilitative efforts undertaken by the defendant. When should such efforts occur to be considered under the proposed adjustment? Should such efforts be undertaken before the defendant is investigated or indicted? Should the court be allowed to consider efforts undertaken when the defendant is subject to an investigation by the authorities or is indicted for the offense? What changes should be made to the

proposed amendment to address the timing of the defendant's efforts?

4. The proposed reduction accounts for rehabilitative efforts [voluntarily initiated] [undertaken] by the defendant. This bracketed “voluntariness” requirement could exclude rehabilitative efforts made pursuant to an order. Some defendants cannot afford to pay themselves for rehabilitation or treatment programs and may rely on court-funded programs to cover the costs of such programs. The Commission seeks comment on whether the proposed reduction should allow for the consideration of rehabilitative efforts made pursuant to an order. If so, what changes should be made to the proposed amendment to account for such efforts?

5. The proposed amendment sets forth a reduction applicable to defendants who demonstrate positive post-offense behavior or rehabilitative efforts prior to sentencing. Other guidelines, most notably § 3E1.1 (Acceptance of Responsibility), also account for “post-offense rehabilitative efforts.” See § 3E1.1, comment. (n.1(G)). Post-offense rehabilitative efforts may also include providing substantial assistance to the authorities in the investigation or prosecution of other individuals or offenses, which is accounted for under § 5K1.1 (Substantial Assistance to Authorities (Policy Statement)).

The Commission seeks comment on how the proposed Chapter Three adjustment for post-offense rehabilitation should interact with other guidelines, especially § 3E1.1 and § 5K1.1. Are there other guidelines that address similar concerns to those addressed by the proposed adjustment? What are those guidelines and how should the proposed adjustment interact with them? Should the Commission distinguish the types of rehabilitative efforts to be accounted for under the proposed adjustment from those that could be considered under other guidelines? For example, should the proposed adjustment account for efforts relating to the defendant's own rehabilitation or for the benefit of the community or other people, while § 3E1.1 accounts for rehabilitative efforts relating to the offense committed by the defendant? Should the Commission place a limitation on the extent of the reduction under the proposed adjustment if the defendant also received an adjustment under § 3E1.1 and/or § 5K1.1? If so, what should the limit be? Are there any other guideline reductions that the Commission should consider for purposes of limiting the extent of the

reduction under the proposed adjustment?

6. The Commission is considering a separate proposed amendment that would add to § 2B1.1 (Theft, Property Destruction, and Fraud) a new tiered reduction at subsection (b)(23) if the defendant took certain actions prior to the criminal investigation or prosecution for the offense. The Commission seeks comment on how the proposed Chapter Three adjustment for post-offense rehabilitation should interact with the proposed tiered reduction at § 2B1.1(b)(23) set forth in the proposed amendment on economic crimes. Should the proposed Chapter Three adjustment for post-offense rehabilitation be cumulative with the proposed tiered reduction at § 2B1.1(b)(23), or should the Commission limit the cumulative reduction of these provisions? Are there other provisions in the *Guidelines Manual* that would interact with the proposed Chapter Three adjustment for post-offense rehabilitation? If so, how should the Commission account for the interaction(s)?

5. Multiple Counts

Synopsis of Proposed Amendment: In August 2025, the Commission identified as one of its policy priorities for the amendment cycle ending May 1, 2026, “[c]ontinued exploration of ways to simplify the *Guidelines Manual*,” including “examining the operation of the grouping rules in Chapter Three, Part D (Multiple Counts).” U.S. Sent’g Comm’n, “Notice of Final Priorities,” 90 FR 39263 (Aug. 14, 2025).

The guidelines generally require a single, combined offense level in each case. Chapter Three, Part D (Multiple Counts) of the *Guidelines Manual* “provides the rules for determining a single offense level that encompasses all the counts of which the defendant is convicted.” USSG Ch. 3, Pt. D, intro comment (Nov. 1, 2025). The rules in Part D apply to multiple counts regardless of whether they are contained in the same indictment or are contained in different indictments and sentences on those counts are to be imposed at the same time. These rules also apply to some single count cases that include additional conduct that is treated under the *Guidelines Manual* as if it were a separate count of conviction. *See, e.g.*, USSG §§ 1B1.2(c) & (d); 2G1.1(d), 2G1.3(d), 2G2.1(d). As provided in § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts), the multiple count rules proceed in three steps: (1) grouping the counts into distinct groups of closely related counts by applying the rules specified in

§ 3D1.2 (Groups of Closely Related Counts); (2) determining the offense level applicable to each group, as provided in § 3D1.3 (Offense Level Applicable to Each Group of Closely Related Counts); and (3) determining the combined offense level applicable to all groups using the unit system, as provided in § 3D1.4 (Determining the Combined Offense Level).

The first step requires grouping counts “involving substantially the same harm.” Subsections (a) through (d) of § 3D1.2 set forth the four situations when multiple counts involve substantially the same harm: (a) when the counts involve the same victim and arise from a single criminal act or transaction; (b) when the counts involve the same victim and two or more distinct criminal transactions connected by a common criminal objective or constituting part of a common scheme or plan; (c) when one of the counts “embodies conduct that is treated” as a specific offense characteristic or adjustment in the guideline applicable to another of the counts; and (d) when the counts involve offenses to which the same guideline or two different guidelines “of the same general type” apply and the offense level is determined largely based on cumulative measures (such as total amount of harm or loss, the quantity of a substance involved, or some other measure of aggregate harm) or the offense behavior is ongoing or continuous in nature. Section 3D1.2(d), which applies to the fourth situation described above, provides lists of both offenses that are covered by this rule and offenses that are excluded from application of this rule. The rules contained in § 3D1.2 aim to ensure that the guideline range reflects the overall harm and conduct without accounting for the same or similar conduct twice. More than one rule may provide a basis for grouping, but only one rule must apply for counts to group.

The second step requires determining the offense level applicable to each group. This determination depends on which grouping rule applies. As provided in § 3D1.3(a), each count grouped under § 3D1.2(a)–(c) is calculated separately, and the offense level for the group will be the highest offense level of the counts in the group. Section 3D1.3(b) sets forth a different procedure for counts grouped under § 3D1.2(d). If the counts involve offenses to which the same guideline applies, instead of calculating the offense level for each count and choosing the count resulting in the highest offense level, the guideline is applied one time using the aggregate harm or quantity of the

grouped counts to determine the offense level. The resulting offense level will be applicable to the group of counts. However, if the counts involve offenses of the same general type to which different guidelines apply, each count is calculated separately, and the offense level for the group will be the highest offense level of the counts in the group.

The third and final step set forth in § 3D1.4 requires assigning units to determine the combined offense level. The group with the highest offense level is assigned one unit, and each remaining group is assigned either one, one-half, and no additional units. The number of additional units is based on the relationship between the group with the highest offense level and any remaining groups. One unit is assigned to any remaining group of comparable seriousness, that is, a group with the same offense level or with one to four fewer offense levels. One-half unit is assigned to any remaining group of somewhat comparable seriousness, that is, a group with five to eight fewer offense levels. No units are assigned to any remaining group of incomparable seriousness, that is, a group with nine or more fewer offense levels. The total number of units determines whether—and the extent to which—additional offense levels are assigned to the most serious group.

The Commission is considering simplification of these multiple count rules for three reasons. First, some commenters have requested simplification of these rules because they are “confusing” and may lead to “incorrect calculations.” Second, the Commission’s HelpLine responds to hundreds of calls each year from practitioners specifically seeking guidance on the application of the multiple count rules. Third, despite the expenditure of significant training resources, the Commission has continued to observe misapplication of the multiple count rules, resulting in unwarranted sentencing disparities.

The proposed amendment would amend the guidelines to simplify the procedure for determining the single offense level for cases involving multiple counts. It would replace the five guidelines in Chapter Three, Part D with a single guideline at § 3D1.1 that provides all the steps necessary to determine the single offense level for multiple counts. The revised § 3D1.1 would contain the following four subsections.

New subsection (a) provides that, if multiple counts use the same guideline and the guideline is listed therein, the offense level for this group of counts is determined using the combined offense

behavior taken as a whole. The guidelines listed in new subsection (a) are the same guidelines that require aggregation under current § 3D1.2(d). As such, new subsection (a) maintains the current approach for aggregate harm offenses as set forth in current § 3D1.3(b).

New subsection (b) provides that, if multiple counts use the same guideline and the guideline is listed therein, the offense level for each count is calculated separately and an adjustment based on the number of counts applies to the count in this group resulting in the highest offense level. The guidelines listed in new subsection (b) are all guidelines that are not aggregated pursuant to current § 3D1.2(d) and cover offenses against a person, offenses that frequently result in a multiple count increase under the current § 3D1.4, and six guidelines that contain instructions providing for a multiple count adjustment under certain circumstances.

New subsection (c) explains how to determine the offense level for all counts, including the group of counts covered by new subsections (a) and (b). It instructs to use the offense level from the count or group of counts (as determined under subsections (a) and (b)) resulting in the highest offense level.

New subsection (d) retains the provisions of current § 3D1.1(b) identifying certain types of convictions that are excluded from the guideline rules applicable to multiple counts.

The proposed amendment would also make conforming changes throughout the *Guidelines Manual* to reflect the new procedure of determining the offense level applicable to cases involving multiple counts, and the deletion of the current provisions of Chapter Three, Part D.

Issues for comment are also provided.

Proposed Amendment:

Chapter Three, Part D is amended—by striking in their entirety the Introductory Commentary, §§ 3D1.1 through 3D1.5, and the Concluding Commentary to Part D of Chapter Three as follows:

“Introductory Commentary

This part provides rules for determining a single offense level that encompasses all the counts of which the defendant is convicted. These rules apply to multiple counts of conviction (A) contained in the same indictment or information; or (B) contained in different indictments or informations for which sentences are to be imposed at the same time or in a consolidated proceeding. The single, ‘combined’ offense level that results from applying these rules is used, after adjustment

pursuant to the guidelines in subsequent parts, to determine the sentence. These rules have been designed primarily with the more commonly prosecuted federal offenses in mind.

The rules in this part seek to provide incremental punishment for significant additional criminal conduct. The most serious offense is used as a starting point. The other counts determine how much to increase the offense level. The amount of the additional punishment declines as the number of additional offenses increases.

Some offenses that may be charged in multiple-count indictments are so closely intertwined with other offenses that conviction for them ordinarily would not warrant increasing the guideline range. For example, embezzling money from a bank and falsifying the related records, although legally distinct offenses, represent essentially the same type of wrongful conduct with the same ultimate harm, so that it would be more appropriate to treat them as a single offense for purposes of sentencing. Other offenses, such as an assault causing bodily injury to a teller during a bank robbery, are so closely related to the more serious offense that it would be appropriate to treat them as part of the more serious offense, leaving the sentence enhancement to result from application of a specific offense characteristic.

In order to limit the significance of the formal charging decision and to prevent multiple punishment for substantially identical offense conduct, this part provides rules for grouping offenses together. Convictions on multiple counts do not result in a sentence enhancement unless they represent additional conduct that is not otherwise accounted for by the guidelines. In essence, counts that are grouped together are treated as constituting a single offense for purposes of the guidelines.

Some offense guidelines, such as those for theft, fraud and drug offenses, contain provisions that deal with repetitive or ongoing behavior. Other guidelines, such as those for assault and robbery, are oriented more toward single episodes of criminal behavior. Accordingly, different rules are required for dealing with multiple-count convictions involving these two different general classes of offenses. More complex cases involving different types of offenses may require application of one rule to some of the counts and another rule to other counts.

Some offenses, *e.g.*, racketeering and conspiracy, may be ‘composite’ in that they involve a pattern of conduct or

scheme involving multiple underlying offenses. The rules in this part are to be used to determine the offense level for such composite offenses from the offense level for the underlying offenses.

Essentially, the rules in this part can be summarized as follows: (1) If the offense guidelines in Chapter Two base the offense level primarily on the amount of money or quantity of substance involved (*e.g.*, theft, fraud, drug trafficking, firearms dealing), or otherwise contain provisions dealing with repetitive or ongoing misconduct (*e.g.*, many environmental offenses), add the numerical quantities and apply the pertinent offense guideline, including any specific offense characteristics for the conduct taken as a whole. (2) When offenses are closely interrelated, group them together for purposes of the multiple-count rules, and use only the offense level for the most serious offense in that group. (3) As to other offenses (*e.g.*, independent instances of assault or robbery), start with the offense level for the most serious count and use the number and severity of additional counts to determine the amount by which to increase that offense level.

§ 3D1.1. Procedure for Determining Offense Level on Multiple Counts

(a) When a defendant has been convicted of more than one count, the court shall:

(1) Group the counts resulting in conviction into distinct Groups of Closely Related Counts (‘Groups’) by applying the rules specified in § 3D1.2.

(2) Determine the offense level applicable to each Group by applying the rules specified in § 3D1.3.

(3) Determine the combined offense level applicable to all Groups taken together by applying the rules specified in § 3D1.4.

(b) Exclude from the application of §§ 3D1.2–3D1.5 the following:

(1) Any count for which the statute (A) specifies a term of imprisonment to be imposed; and (B) requires that such term of imprisonment be imposed to run consecutively to any other term of imprisonment. Sentences for such counts are governed by the provisions of § 5G1.2(a).

(2) Any count of conviction under 18 U.S.C. 1028A. *See* Application Note 2(B) of the Commentary to § 5G1.2 (Sentencing on Multiple Counts of Conviction) for guidance on how sentences for multiple counts of conviction under 18 U.S.C. 1028A should be imposed.

Commentary

Application Notes:

1. *In General.*—For purposes of sentencing multiple counts of

conviction, counts can be (A) contained in the same indictment or information; or (B) contained in different indictments or informations for which sentences are to be imposed at the same time or in a consolidated proceeding.

2. *Application of Subsection (b).*— Subsection (b)(1) applies if a statute (A) specifies a term of imprisonment to be imposed; and (B) requires that such term of imprisonment be imposed to run consecutively to any other term of imprisonment. *See, e.g.,* 18 U.S.C. 924(c) (requiring mandatory minimum terms of imprisonment, based on the conduct involved, to run consecutively). The multiple count rules set out under this part do not apply to a count of conviction covered by subsection (b). However, a count covered by subsection (b)(1) may affect the offense level determination for other counts. For example, a defendant is convicted of one count of bank robbery (18 U.S.C. 2113), and one count of use of a firearm in the commission of a crime of violence (18 U.S.C. 924(c)). The two counts are not grouped together pursuant to this guideline, and, to avoid unwarranted double counting, the offense level for the bank robbery count under § 2B3.1 (Robbery) is computed without application of the enhancement for weapon possession or use as otherwise required by subsection (b)(2) of that guideline. Pursuant to 18 U.S.C. 924(c), the mandatory minimum five-year sentence on the weapon-use count runs consecutively to the guideline sentence imposed on the bank robbery count. *See* § 5G1.2(a).

Unless specifically instructed, subsection (b)(1) does not apply when imposing a sentence under a statute that requires the imposition of a consecutive term of imprisonment only if a term of imprisonment is imposed (*i.e.*, the statute does not otherwise require a term of imprisonment to be imposed). *See, e.g.,* 18 U.S.C. 3146 (Penalty for failure to appear); 18 U.S.C. 924(a)(4) (regarding penalty for 18 U.S.C. 922(q) (possession or discharge of a firearm in a school zone)); 18 U.S.C. 1791(c) (penalty for providing or possessing a controlled substance in prison). Accordingly, the multiple count rules set out under this part do apply to a count of conviction under this type of statute.

Background: This section outlines the procedure to be used for determining the combined offense level. After any adjustments from Chapter Three, Parts E (Acceptance of Responsibility) and F (Early Disposition Programs), and Chapter Four, Parts B (Career Offenders and Criminal Livelihood) and C (Adjustment for Certain Zero-Point

Offenders) are made, this combined offense level is used to determine the guideline sentence range. Chapter Five (Determining the Sentencing Range and Options Under the Guidelines) discusses how to determine the sentence from the (combined) offense level; § 5G1.2 deals specifically with determining the sentence of imprisonment when convictions on multiple counts are involved.

References in Chapter Five (Determining the Sentencing Range and Options Under the Guidelines) to the ‘offense level’ should be treated as referring to the combined offense level after all subsequent adjustments have been made.

§ 3D1.2. *Groups of Closely Related Counts*

All counts involving substantially the same harm shall be grouped together into a single Group. Counts involve substantially the same harm within the meaning of this rule:

- (a) When counts involve the same victim and the same act or transaction.
- (b) When counts involve the same victim and two or more acts or transactions connected by a common criminal objective or constituting part of a common scheme or plan.
- (c) When one of the counts embodies conduct that is treated as a specific offense characteristic in, or other adjustment to, the guideline applicable to another of the counts.
- (d) When the offense level is determined largely on the basis of the total amount of harm or loss, the quantity of a substance involved, or some other measure of aggregate harm, or if the offense behavior is ongoing or continuous in nature and the offense guideline is written to cover such behavior.

Offenses covered by the following guidelines are to be grouped under this subsection:

- § 2A3.5;
- §§ 2B1.1, 2B1.4, 2B1.5, 2B4.1, 2B5.1, 2B5.3, 2B6.1;
- §§ 2C1.1, 2C1.2, 2C1.8;
- §§ 2D1.1, 2D1.2, 2D1.5, 2D1.11, 2D1.13;
- §§ 2E4.1, 2E5.1;
- §§ 2G2.2, 2G3.1;
- § 2K2.1;
- §§ 2L1.1, 2L2.1;
- § 2N3.1;
- § 2Q2.1;
- § 2R1.1;
- §§ 2S1.1, 2S1.3;
- §§ 2T1.1, 2T1.4, 2T1.6, 2T1.7, 2T1.9, 2T2.1, 2T3.1.

Specifically excluded from the operation of this subsection are:
all offenses in Chapter Two, Part A (except § 2A3.5);

- §§ 2B2.1, 2B2.3, 2B3.1, 2B3.2, 2B3.3;
- § 2C1.5;
- §§ 2D2.1, 2D2.2, 2D2.3;
- §§ 2E1.3, 2E1.4, 2E2.1;
- §§ 2G1.1, 2G1.3, 2G2.1;
- §§ 2H1.1, 2H2.1, 2H4.1;
- §§ 2L2.2, 2L2.5;
- §§ 2M2.1, 2M2.3, 2M3.1, 2M3.2, 2M3.3, 2M3.4, 2M3.5, 2M3.9;
- §§ 2P1.1, 2P1.2, 2P1.3;
- § 2X6.1.

For multiple counts of offenses that are not listed, grouping under this subsection may or may not be appropriate; a case-by-case determination must be made based upon the facts of the case and the applicable guidelines (including specific offense characteristics and other adjustments) used to determine the offense level.

Exclusion of an offense from grouping under this subsection does not necessarily preclude grouping under another subsection.

Commentary

Application Notes:

1. Subsections (a)–(d) set forth circumstances in which counts are to be grouped together into a single Group. Counts are to be grouped together into a single Group if any one or more of the subsections provide for such grouping. Counts for which the statute (A) specifies a term of imprisonment to be imposed; and (B) requires that such term of imprisonment be imposed to run consecutively to any other term of imprisonment are excepted from application of the multiple count rules. *See* § 3D1.1(b)(1); *id.*, comment. (n.1).

2. The term ‘victim’ is not intended to include indirect or secondary victims. Generally, there will be one person who is directly and most seriously affected by the offense and is therefore identifiable as the victim. For offenses in which there are no identifiable victims (*e.g.*, drug or immigration offenses, where society at large is the victim), the ‘victim’ for purposes of subsections (a) and (b) is the societal interest that is harmed. In such cases, the counts are grouped together when the societal interests that are harmed are closely related. Where one count, for example, involves unlawfully entering the United States and the other involves possession of fraudulent evidence of citizenship, the counts are grouped together because the societal interests harmed (the interests protected by laws governing immigration) are closely related. In contrast, where one count involves the sale of controlled substances and the other involves an immigration law violation, the counts are not grouped together because

different societal interests are harmed. Ambiguities should be resolved in accordance with the purpose of this section as stated in the lead paragraph, *i.e.*, to identify and group 'counts involving substantially the same harm.'

3. Under subsection (a), counts are to be grouped together when they represent essentially a single injury or are part of a single criminal episode or transaction involving the same victim.

When one count charges an attempt to commit an offense and the other charges the commission of that offense, or when one count charges an offense based on a general prohibition and the other charges violation of a specific prohibition encompassed in the general prohibition, the counts will be grouped together under subsection (a).

Examples: (1) The defendant is convicted of forging and uttering the same check. The counts are to be grouped together. (2) The defendant is convicted of kidnapping and assaulting the victim during the course of the kidnapping. The counts are to be grouped together. (3) The defendant is convicted of bid rigging (an antitrust offense) and of mail fraud for signing and mailing a false statement that the bid was competitive. The counts are to be grouped together. (4) The defendant is convicted of two counts of assault on a federal officer for shooting at the same officer twice while attempting to prevent apprehension as part of a single criminal episode. The counts are to be grouped together. (5) The defendant is convicted of three counts of unlawfully bringing aliens into the United States, all counts arising out of a single incident. The three counts are to be grouped together. *But:* (6) The defendant is convicted of two counts of assault on a federal officer for shooting at the officer on two separate days. The counts *are not* to be grouped together.

4. Subsection (b) provides that counts that are part of a single course of conduct with a single criminal objective and represent essentially one composite harm to the same victim are to be grouped together, even if they constitute legally distinct offenses occurring at different times. This provision does not authorize the grouping of offenses that cannot be considered to represent essentially one composite harm (*e.g.*, robbery of the same victim on different occasions involves multiple, separate instances of fear and risk of harm, not one composite harm).

When one count charges a conspiracy or solicitation and the other charges a substantive offense that was the sole object of the conspiracy or solicitation, the counts will be grouped together under subsection (b).

Examples: (1) The defendant is convicted of one count of conspiracy to commit extortion and one count of extortion for the offense he conspired to commit. The counts are to be grouped together. (2) The defendant is convicted of two counts of mail fraud and one count of wire fraud, each in furtherance of a single fraudulent scheme. The counts are to be grouped together, even if the mailings and telephone call occurred on different days. (3) The defendant is convicted of one count of auto theft and one count of altering the vehicle identification number of the car he stole. The counts are to be grouped together. (4) The defendant is convicted of two counts of distributing a controlled substance, each count involving a separate sale of 10 grams of cocaine that is part of a common scheme or plan. In addition, a finding is made that there are two other sales, also part of the common scheme or plan, each involving 10 grams of cocaine. The total amount of all four sales (40 grams of cocaine) will be used to determine the offense level for each count under § 1B1.3(a)(2). The two counts will then be grouped together under either this subsection or subsection (d) to avoid double counting. *But:* (5) The defendant is convicted of two counts of rape for raping the same person on different days. The counts *are not* to be grouped together.

5. Subsection (c) provides that when conduct that represents a separate count, *e.g.*, bodily injury or obstruction of justice, is also a specific offense characteristic in or other adjustment to another count, the count represented by that conduct is to be grouped with the count to which it constitutes an aggravating factor. This provision prevents 'double counting' of offense behavior. Of course, this rule applies only if the offenses are closely related. It is not, for example, the intent of this rule that (assuming they could be joined together) a bank robbery on one occasion and an assault resulting in bodily injury on another occasion be grouped together. The bodily injury (the harm from the assault) would not be a specific offense characteristic to the robbery and would represent a different harm. On the other hand, use of a firearm in a bank robbery and unlawful possession of that firearm are sufficiently related to warrant grouping of counts under this subsection. Frequently, this provision will overlap subsection (a), at least with respect to specific offense characteristics. However, a count such as obstruction of justice, which represents a Chapter Three adjustment and involves a

different harm or societal interest than the underlying offense, is covered by subsection (c) even though it is not covered by subsection (a).

Sometimes there may be several counts, each of which could be treated as an aggravating factor to another more serious count, but the guideline for the more serious count provides an adjustment for only one occurrence of that factor. In such cases, only the count representing the most serious of those factors is to be grouped with the other count. For example, if in a robbery of a credit union on a military base the defendant is also convicted of assaulting two employees, one of whom is injured seriously, the assault with serious bodily injury would be grouped with the robbery count, while the remaining assault conviction would be treated separately.

A cross reference to another offense guideline does not constitute 'a specific offense characteristic . . . or other adjustment' within the meaning of subsection (c). For example, the guideline for bribery of a public official contains a cross reference to the guideline for a conspiracy to commit the offense that the bribe was to facilitate. Nonetheless, if the defendant were convicted of one count of securities fraud and one count of bribing a public official to facilitate the fraud, the two counts would not be grouped together by virtue of the cross reference. If, however, the bribe was given for the purpose of hampering a criminal investigation into the offense, it would constitute obstruction and under § 3C1.1 would result in a 2-level enhancement to the offense level for the fraud. Under the latter circumstances, the counts would be grouped together.

6. Subsection (d) likely will be used with the greatest frequency. It provides that most property crimes (except robbery, burglary, extortion and the like), drug offenses, firearms offenses, and other crimes where the guidelines are based primarily on quantity or contemplate continuing behavior are to be grouped together. The list of instances in which this subsection should be applied is not exhaustive. Note, however, that certain guidelines are specifically excluded from the operation of subsection (d).

A conspiracy, attempt, or solicitation to commit an offense is covered under subsection (d) if the offense that is the object of the conspiracy, attempt, or solicitation is covered under subsection (d).

Counts involving offenses to which different offense guidelines apply are grouped together under subsection (d) if the offenses are of the same general type

and otherwise meet the criteria for grouping under this subsection. In such cases, the offense guideline that results in the highest offense level is used; see § 3D1.3(b). The ‘same general type’ of offense is to be construed broadly.

Examples: (1) The defendant is convicted of five counts of embezzling money from a bank. The five counts are to be grouped together. (2) The defendant is convicted of two counts of theft of social security checks and three counts of theft from the mail, each from a different victim. All five counts are to be grouped together. (3) The defendant is convicted of five counts of mail fraud and ten counts of wire fraud. Although the counts arise from various schemes, each involves a monetary objective. All fifteen counts are to be grouped together. (4) The defendant is convicted of three counts of unlicensed dealing in firearms. All three counts are to be grouped together. (5) The defendant is convicted of one count of selling heroin, one count of selling PCP, and one count of selling cocaine. The counts are to be grouped together. The Commentary to § 2D1.1 provides rules for combining (adding) quantities of different drugs to determine a single combined offense level. (6) The defendant is convicted of three counts of tax evasion. The counts are to be grouped together. (7) The defendant is convicted of three counts of discharging toxic substances from a single facility. The counts are to be grouped together. (8) The defendant is convicted on two counts of check forgery and one count of uttering the first of the forged checks. All three counts are to be grouped together. Note, however, that the uttering count is first grouped with the first forgery count under subsection (a) of this guideline, so that the monetary amount of that check counts only once when the rule in § 3D1.3(b) is applied. *But:* (9) The defendant is convicted of three counts of bank robbery. The counts *are not* to be grouped together, nor are the amounts of money involved to be added.

7. A single case may result in application of several of the rules in this section. Thus, for example, example (8) in the discussion of subsection (d) involves an application of § 3D1.2(a) followed by an application of § 3D1.2(d). Note also that a Group may consist of a single count; conversely, all counts may form a single Group.

8. A defendant may be convicted of conspiring to commit several substantive offenses and also of committing one or more of the substantive offenses. In such cases, treat the conspiracy count as if it were several counts, each charging

conspiracy to commit one of the substantive offenses. See § 1B1.2(d) and accompanying commentary. Then apply the ordinary grouping rules to determine the combined offense level based upon the substantive counts of which the defendant is convicted and the various acts cited by the conspiracy count that would constitute behavior of a substantive nature. *Example:* The defendant is convicted of two counts: conspiring to commit offenses A, B, and C, and committing offense A. Treat this as if the defendant was convicted of (1) committing offense A; (2) conspiracy to commit offense A; (3) conspiracy to commit offense B; and (4) conspiracy to commit offense C. Count (1) and count (2) are grouped together under § 3D1.2(b). Group the remaining counts, including the various acts cited by the conspiracy count that would constitute behavior of a substantive nature, according to the rules in this section.

Background: Ordinarily, the first step in determining the combined offense level in a case involving multiple counts is to identify those counts that are sufficiently related to be placed in the same Group of Closely Related Counts (‘Group’). This section specifies four situations in which counts are to be grouped together. Although it appears last for conceptual reasons, subsection (d) probably will be used most frequently.

A primary consideration in this section is whether the offenses involve different victims. For example, a defendant may stab three prison guards in a single escape attempt. Some would argue that all counts arising out of a single transaction or occurrence should be grouped together even when there are distinct victims. Although such a proposal was considered, it was rejected because, in many cases, it would not adequately capture the scope and impact of the criminal behavior. Cases involving injury to distinct victims are sufficiently comparable, whether or not the injuries are inflicted in distinct transactions, so that each such count should be treated separately rather than grouped together. Counts involving different victims (or societal harms in the case of ‘victimless’ crimes) are grouped together only as provided in subsection (c) or (d).

Even if counts involve a single victim, the decision as to whether to group them together may not always be clear cut. For example, how contemporaneous must two assaults on the same victim be in order to warrant grouping together as constituting a single transaction or occurrence? Existing case law may provide some guidance as to what constitutes distinct

offenses, but such decisions often turn on the technical language of the statute and cannot be controlling. In interpreting this part and resolving ambiguities, the court should look to the underlying policy of this part as stated in the Introductory Commentary.

§ 3D1.3. *Offense Level Applicable to Each Group of Closely Related Counts*
Determine the offense level applicable to each of the Groups as follows:

(a) In the case of counts grouped together pursuant to § 3D1.2(a)–(c), the offense level applicable to a Group is the offense level, determined in accordance with Chapter Two and Parts A, B, and C of Chapter Three, for the most serious of the counts comprising the Group, *i.e.*, the highest offense level of the counts in the Group.

(b) In the case of counts grouped together pursuant to § 3D1.2(d), the offense level applicable to a Group is the offense level corresponding to the aggregated quantity, determined in accordance with Chapter Two and Parts A, B and C of Chapter Three. When the counts involve offenses of the same general type to which different guidelines apply, apply the offense guideline that produces the highest offense level.

Commentary

Application Notes:

1. The ‘offense level’ for a count refers to the offense level from Chapter Two after all adjustments from Parts A, B, and C of Chapter Three.

2. When counts are grouped pursuant to § 3D1.2(a)–(c), the highest offense level of the counts in the group is used. Ordinarily, it is necessary to determine the offense level for each of the counts in a Group in order to ensure that the highest is correctly identified. Sometimes, it will be clear that one count in the Group cannot have a higher offense level than another, as with a count for an attempt or conspiracy to commit the completed offense. The formal determination of the offense level for such a count may be unnecessary.

3. When counts are grouped pursuant to § 3D1.2(d), the offense guideline applicable to the aggregate behavior is used. If the counts in the Group are covered by different guidelines, use the guideline that produces the highest offense level. Determine whether the specific offense characteristics or adjustments from Chapter Three, Parts A, B, and C apply based upon the combined offense behavior taken as a whole. Note that guidelines for similar property offenses have been coordinated to produce identical offense levels, at least when substantial property losses

are involved. However, when small sums are involved the differing specific offense characteristics that require increasing the offense level to a certain minimum may affect the outcome.

Background: This section provides rules for determining the offense level associated with each Group of Closely Related Counts. Summary examples of the application of these rules are provided at the end of the Commentary to this part.

§ 3D1.4. *Determining the Combined Offense Level*

The combined offense level is determined by taking the offense level applicable to the Group with the highest offense level and increasing that offense level by the amount indicated in the following table:

Number of units	Increase in offense level
1	none.
1½	add 1 level.
2	add 2 levels.
2½–3	add 3 levels.
3½–5	add 4 levels.
More than 5	add 5 levels.

In determining the number of Units for purposes of this section:

(a) Count as one Unit the Group with the highest offense level. Count one additional Unit for each Group that is equally serious or from 1 to 4 levels less serious.

(b) Count as one-half Unit any Group that is 5 to 8 levels less serious than the Group with the highest offense level.

(c) Disregard any Group that is 9 or more levels less serious than the Group with the highest offense level. Such Groups will not increase the applicable offense level but may provide a reason for sentencing at the higher end of the sentencing range for the applicable offense level.

Commentary

Application Notes:

1. Application of the rules in §§ 3D1.2 and 3D1.3 may produce a single Group of Closely Related Counts. In such cases, the combined offense level is the level corresponding to the Group determined in accordance with § 3D1.3.

2. The procedure for calculating the combined offense level when there is more than one Group of Closely Related Counts is as follows: First, identify the offense level applicable to the most serious Group; assign it one Unit. Next, determine the number of Units that the remaining Groups represent. Finally, increase the offense level for the most serious Group by the number of levels indicated in the table corresponding to the total number of Units.

Background: When Groups are of roughly comparable seriousness, each Group will represent one Unit. When the most serious Group carries an offense level substantially higher than that applicable to the other Groups, however, counting the lesser Groups fully for purposes of the table could add excessive punishment, possibly even more than those offenses would carry if prosecuted separately. To avoid this anomalous result and produce declining marginal punishment, Groups 9 or more levels less serious than the most serious Group should not be counted for purposes of the table, and that Groups 5 to 8 levels less serious should be treated as equal to one-half of a Group. Thus, if the most serious Group is at offense level 15 and if two other Groups are at level 10, there would be a total of two Units for purposes of the table (one plus one-half plus one-half) and the combined offense level would be 17.

§ 3D1.5. *Determining the Total Punishment*

Use the combined offense level to determine the appropriate sentence in accordance with the provisions of Chapter Five.

Commentary

This section refers the court to Chapter Five (Determining the Sentencing Range and Options Under the Guidelines) in order to determine the total punishment to be imposed based upon the combined offense level. The combined offense level is subject to adjustments from Chapter Three, Parts E (Acceptance of Responsibility) and F (Early Disposition Programs), and Chapter Four, Parts B (Career Offenders and Criminal Livelihood) and C (Adjustment for Certain Zero-Point Offenders).

* * * * *

Concluding Commentary to Part D of Chapter Three

Illustrations of the Operation of the Multiple-Count Rules

The following examples, drawn from presentence reports in the Commission’s files, illustrate the operation of the guidelines for multiple counts. The examples are discussed summarily; a more thorough, step-by-step approach is recommended until the user is thoroughly familiar with the guidelines.

1. Defendant A was convicted of four counts, each charging robbery of a different bank. Each would represent a distinct Group. § 3D1.2. In each of the first three robberies, the offense level was 22 (20 plus a 2-level increase because a financial institution was robbed) (§ 2B3.1(b)). In the fourth

robbery \$21,000 was taken and a firearm was displayed; the offense level was therefore 28. As the first three counts are 6 levels lower than the fourth, each of the first three represents one-half unit for purposes of § 3D1.4. Altogether there are 2½ Units, and the offense level for the most serious (28) is therefore increased by 3 levels under the table. The combined offense level is 31.

2. Defendant B was convicted of four counts: (1) distribution of 230 grams of cocaine; (2) distribution of 150 grams of cocaine; (3) distribution of 75 grams of heroin; (4) offering a DEA agent \$20,000 to avoid prosecution. The combined offense level for drug offenses is determined by the total quantity of drugs, converted to converted drug weight (using the Drug Conversion Tables in the Commentary to § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking)). The first count translates into 46 kilograms of converted drug weight; the second count translates into 30 kilograms of converted drug weight; and the third count translates into 75 kilograms of converted drug weight. The total is 151 kilograms of converted drug weight. Under § 2D1.1, the combined offense level for the drug offenses is 24. In addition, because of the attempted bribe of the DEA agent, this offense level is increased by 2 levels to 26 under § 3C1.1 (Obstructing or Impeding the Administration of Justice). Because the conduct constituting the bribery offense is accounted for by § 3C1.1, it becomes part of the same Group as the drug offenses pursuant to § 3D1.2(c). The combined offense level is 26 pursuant to § 3D1.3(a), because the offense level for bribery (20) is less than the offense level for the drug offenses (26).

3. Defendant C was convicted of four counts arising out of a scheme pursuant to which the defendant received kickbacks from subcontractors. The counts were as follows: (1) The defendant received \$1,000 from subcontractor A relating to contract X (Mail Fraud). (2) The defendant received \$1,000 from subcontractor A relating to contract X (Commercial Bribery). (3) The defendant received \$1,000 from subcontractor A relating to contract Y (Mail Fraud). (4) The defendant received \$1,000 from subcontractor B relating to contract Z (Commercial Bribery). The mail fraud counts are covered by § 2B1.1 (Theft, Property Destruction, and Fraud). The bribery counts are covered by § 2B4.1 (Bribery in Procurement of Bank Loan and Other Commercial Bribery), which treats the offense as a sophisticated fraud. The total money involved is \$4,000, which results in an offense level of 9 under either § 2B1.1

(assuming the application of the ‘sophisticated means’ enhancement in § 2B1.1(b)(10)) or § 2B4.1. Since these two guidelines produce identical offense levels, the combined offense level is 9.”;

and inserting the following new

§ 3D1.1:

§ 3D1.1. Procedure for Determining Offense Level on Multiple Counts

(a) If there are multiple counts to which the same guideline applies and the guideline is listed below, determine the offense level applicable to these counts using the combined offense behavior taken as a whole.

The guidelines covered by subsection

(a) are as follows:

§ 2A3.5;

§§ 2B1.1, 2B1.4, 2B1.5, 2B4.1, 2B5.1, 2B5.3, 2B6.1;

§§ 2C1.1, 2C1.2, 2C1.8;

§§ 2D1.1, 2D1.2, 2D1.5, 2D1.11,

2D1.13;

§§ 2E4.1, 2E5.1;

§§ 2G2.2, 2G3.1;

§ 2K2.1;

§§ 2L1.1, 2L2.1;

§ 2N3.1;

§ 2Q2.1;

§ 2R1.1;

§§ 2S1.1, 2S1.3;

§§ 2T1.1, 2T1.4, 2T1.6, 2T1.7, 2T1.9,

2T2.1, 2T3.1.

(b) (1) If there are multiple counts to which the same guideline applies and the guideline is listed below, determine the offense level applicable to these counts by calculating the offense level for each count separately and applying the adjustment set forth in subsection (b)(2) to the count resulting in the highest offense level.

The guidelines covered by subsection

(b) are as follows:

all offenses in Chapter Two, Part A

(except § 2A3.5);

§§ 2B2.1, 2B3.1, 2B3.2, 2B3.3;

§ 2D2.3;

§§ 2G1.1, 2G1.3, 2G2.1;

§ 2H1.1;

§ 2J1.2, 2J1.3;

§ 2K1.4;

§ 2M6.1;

§ 2N1.1;

§ 2Q1.4;

§ 2X6.1.

(2) The adjustment set forth in the table below shall be based on the number of counts covered by the guidelines listed in paragraph (1).

Number of counts covered by guideline listed in paragraph (1)	Increase in offense level
(A) 2	add [2] levels
(B) 3	add [3] levels
(C) 4 or 5	add [4] levels
(D) 6 or more	add [5] levels.

(c) Determine the offense level for any remaining counts by calculating the offense level for each count separately. The offense level applicable to all counts of conviction is either the offense level from the count or the single offense level determined under subsections (a) and (b) for the counts resulting in the highest offense level.

(d) *Special Instruction for Certain Multiple Counts.*—If there are multiple counts of conviction, exclude from the application of subsections (a) through (c) above the following counts:

(1) Any count for which the statute (A) specifies a term of imprisonment to be imposed; and (B) requires that such term of imprisonment be imposed to run consecutively to any other term of imprisonment. Sentences for such counts are governed by subsection (a) of § 5G1.2 (Sentencing on Multiple Counts of Conviction).

(2) Any count of conviction under 18 U.S.C. 1028A. *See* Application Note 2(B) of the Commentary to § 5G1.2 (Sentencing on Multiple Counts of Conviction) for guidance on how sentences for multiple counts of conviction under 18 U.S.C. 1028A should be imposed.

Commentary

Application Notes:

1. *In General.*—This guideline provides rules for determining a single offense level that encompasses all the counts of which the defendant is convicted. For purposes of sentencing multiple counts of conviction, counts can be (A) contained in the same indictment or information; or (B) contained in different indictments or informations for which sentences are to be imposed at the same time or in a consolidated proceeding.

2. *Application of Subsection (d).*—Subsection (d)(1) applies if a statute (A) specifies a term of imprisonment to be imposed; and (B) requires that such term of imprisonment be imposed to run consecutively to any other term of imprisonment. *See, e.g.,* 18 U.S.C. 924(c) (requiring mandatory minimum terms of imprisonment, based on the conduct involved, to run consecutively). The multiple count rules set out under this guideline do not apply to a count of conviction covered by subsection (d). However, a count covered by subsection (d)(1) may affect the offense level determination for other counts. For example, a defendant is convicted of one count of bank robbery (18 U.S.C. 2113), and one count of use of a firearm in the commission of a crime of violence (18 U.S.C. 924(c)). The two counts are not grouped together pursuant to this guideline, and, to avoid unwarranted

double counting, the offense level for the bank robbery count under § 2B3.1 (Robbery) is computed without application of the enhancement for weapon possession or use as otherwise required by subsection (b)(2) of that guideline. Pursuant to 18 U.S.C. 924(c), the mandatory minimum five-year sentence on the weapon-use count runs consecutively to the guideline sentence imposed on the bank robbery count. *See* § 5G1.2(a).

Unless specifically instructed, subsection (d)(1) does not apply when imposing a sentence under a statute that requires the imposition of a consecutive term of imprisonment only if a term of imprisonment is imposed (*i.e.,* the statute does not otherwise require a term of imprisonment to be imposed). *See, e.g.,* 18 U.S.C. 3146 (Penalty for failure to appear); 18 U.S.C. 924(a)(4) (regarding penalty for 18 U.S.C. 922(q) (possession or discharge of a firearm in a school zone)); 18 U.S.C. 1791(c) (penalty for providing or possessing a controlled substance in prison). Accordingly, the multiple count rules set out under this part do apply to a count of conviction under this type of statute.

Background: This section outlines the procedure to be used for determining the combined offense level. After any adjustments from Chapter Three, Parts E (Acceptance of Responsibility) and F (Early Disposition Programs), and Chapter Four, Parts B (Career Offenders and Criminal Livelihood) and C (Adjustment for Certain Zero-Point Offenders) are made, this combined offense level is used to determine the guideline sentence range. Chapter Five (Determining the Sentencing Range and Options Under the Guidelines) discusses how to determine the sentence from the (combined) offense level; § 5G1.2 deals specifically with determining the sentence of imprisonment when convictions on multiple counts are involved. References in Chapter Five (Determining the Sentencing Range and Options Under the Guidelines) to the ‘offense level’ should be treated as referring to the combined offense level after all subsequent adjustments have been made.”

Section 1B1.1(a)(4) is amended by striking “Apply Part D of Chapter Three to group the various counts and adjust the offense level accordingly” and inserting “Apply § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts) to determine the combined offense level applicable to all counts”.

The Commentary to § 1B1.2 captioned “Application Notes” is amended in Note 4 by striking “if the object offenses

specified in the conspiracy count would be grouped together under § 3D1.2(d) (e.g., a conspiracy to steal three government checks) it is not necessary to engage in the foregoing analysis, because § 1B1.3(a)(2) governs consideration of the defendant's conduct" and inserting "if the combined offense level for the object offenses specified in the conspiracy count is determined pursuant to 3D1.1(a) (e.g., a conspiracy to steal three government checks) it is not necessary to engage in the foregoing analysis".

Section 1B1.3 is amended—
in subsection (a)(2) by striking "solely with respect to offenses of a character for which § 3D1.2(d) would require grouping of multiple counts, all acts and omissions described in subdivisions (1)(A) and (1)(B) above that were part of the same course of conduct or common scheme or plan as the offense of conviction" and inserting "solely with respect to offenses described in subsection (d) below, all acts and omissions described in paragraphs (1)(A) and (1)(B) above that were part of the same course of conduct or common scheme or plan as the offense of conviction";

and by inserting at the end the following new subsection (d):

"(d) *Offenses Covered by Subsection (a)(2)*.—Subsection (a)(2) applies to offenses where the offense level is determined largely on the basis of the total amount of harm or loss, the quantity of a substance involved, or some other measure of aggregate harm, or where the offense behavior is ongoing or continuous in nature and the offense guideline is written to cover such behavior.

Subsection (a)(2) applies to offenses covered by the following guidelines:

§ 2A3.5;
§§ 2B1.1, 2B1.4, 2B1.5, 2B4.1, 2B5.1, 2B5.3, 2B6.1;
§§ 2C1.1, 2C1.2, 2C1.8;
§§ 2D1.1, 2D1.2, 2D1.5, 2D1.11, 2D1.13;
§§ 2E4.1, 2E5.1;
§§ 2G2.2, 2G3.1;
§ 2K2.1;
§§ 2L1.1, 2L2.1;
§ 2N3.1;
§ 2Q2.1;
§ 2R1.1;
§§ 2S1.1, 2S1.3;
§§ 2T1.1, 2T1.4, 2T1.6, 2T1.7, 2T1.9, 2T2.1, 2T3.1.

Subsection (a)(2) does not apply to the offenses covered by the following guidelines:

all offenses in Chapter Two, Part A (except § 2A3.5);
§§ 2B2.1, 2B2.3, 2B3.1, 2B3.2, 2B3.3;
§ 2C1.5;

§§ 2D2.1, 2D2.2, 2D2.3;
§§ 2E1.3, 2E1.4, 2E2.1;
§§ 2G1.1, 2G1.3, 2G2.1;
§§ 2H1.1, 2H2.1, 2H4.1;
§§ 2L2.2, 2L2.5;
§§ 2M2.1, 2M2.3, 2M3.1, 2M3.2, 2M3.3, 2M3.4, 2M3.5, 2M3.9;
§§ 2P1.1, 2P1.2, 2P1.3;
§ 2X6.1.

For offenses covered by guidelines that are not listed, subsection (a)(2) may or may not apply. In such instances, a case-by-case determination must be made based upon the facts of the case and the applicable guidelines (including specific offense characteristics and other adjustments) used to determine the offense level.

Subsection (a)(2) applies to counts involving offenses covered by different offense guidelines if the offenses are of the same general type and otherwise meet the criteria described in this subsection. The 'same general type' of offense is to be construed broadly."

The Commentary to § 1B1.3 captioned "Application Notes" is amended—
in Note 5(A) by striking the following:

"*Relationship to Grouping of Multiple Counts*.—'Offenses of a character for which § 3D1.2(d) would require grouping of multiple counts,' as used in subsection (a)(2), applies to offenses for which grouping of counts would be required under § 3D1.2(d) had the defendant been convicted of multiple counts. Application of this provision does not require the defendant, in fact, to have been convicted of multiple counts. For example, where the defendant engaged in three drug sales of 10, 15, and 20 grams of cocaine, as part of the same course of conduct or common scheme or plan, subsection (a)(2) provides that the total quantity of cocaine involved (45 grams) is to be used to determine the offense level even if the defendant is convicted of a single count charging only one of the sales. If the defendant is convicted of multiple counts for the above noted sales, the grouping rules of Chapter Three, Part D (Multiple Counts) provide that the counts are grouped together. Although Chapter Three, Part D (Multiple Counts) applies to multiple counts of conviction, it does not limit the scope of subsection (a)(2). Subsection (a)(2) merely incorporates by reference the types of offenses set forth in § 3D1.2(d); thus, as discussed above, multiple counts of conviction are not required for subsection (a)(2) to apply.

As noted above, subsection (a)(2) applies to offenses of a character for which § 3D1.2(d) would require grouping of multiple counts, had the defendant been convicted of multiple counts. For example, the defendant sells

30 grams of cocaine (a violation of 21 U.S.C. 841) on one occasion and, as part of the same course of conduct or common scheme or plan, attempts to sell an additional 15 grams of cocaine (a violation of 21 U.S.C. 846) on another occasion. The defendant is convicted of one count charging the completed sale of 30 grams of cocaine. The two offenses (sale of cocaine and attempted sale of cocaine), although covered by different statutory provisions, are of a character for which § 3D1.2(d) would require the grouping of counts, had the defendant been convicted of both counts. Therefore, subsection (a)(2) applies and the total amount of cocaine (45 grams) involved is used to determine the offense level."

and inserting the following:

"*In General*.—Application of subsection (a)(2) does not require the defendant, in fact, to have been convicted of multiple counts. For example, where the defendant engaged in three drug sales of 10, 15, and 20 grams of cocaine, as part of the same course of conduct or common scheme or plan, subsection (a)(2) provides that the total quantity of cocaine involved (45 grams) is to be used to determine the offense level even if the defendant is convicted of a single count charging only one of the sales.

As noted in subsection (d), subsection (a)(2) applies to offenses where the offense level is determined largely on the basis of the total amount of harm or loss, the quantity of a substance involved, or some other measure of aggregate harm, or where the offense behavior is ongoing or continuous in nature and the offense guideline is written to cover such behavior. For example, the defendant sells 30 grams of cocaine (a violation of 21 U.S.C. 841) on one occasion and, as part of the same course of conduct or common scheme or plan, attempts to sell an additional 15 grams of cocaine (a violation of 21 U.S.C. 846) on another occasion. The defendant is convicted of one count charging the completed sale of 30 grams of cocaine. The two offenses (sale of cocaine and attempted sale of cocaine), although violating different statutory provisions, are covered by a guideline to which subsection (a)(2) is applicable pursuant to subsection (d). Therefore, subsection (a)(2) applies and the total amount of cocaine (45 grams) involved is used to determine the offense level."

and by inserting at the end the following new Note 11:

"11. *Application of Subsection (d)*.—Subsection (d) provides that subsection (a)(2) covers most property crimes (except robbery, burglary, extortion and the like), drug offenses, firearms

offenses, and other crimes where the guidelines are based primarily on quantity or contemplate continuing behavior. The list of instances in which subsection (a)(2) should be applied is not exhaustive. Note, however, that certain guidelines are specifically excluded from the operation of subsection (a)(2).

Subsection (a)(2) applies to a conspiracy, attempt, or solicitation to commit an offense if the offense that is the object of the conspiracy, attempt, or solicitation is covered under subsection (d)."

The Commentary to § 1B1.3 captioned "Background" is amended by striking "The distinction is made on the basis of § 3D1.2(d), which provides for grouping together (*i.e.*, treating as a single count) all counts charging offenses of a type covered by this subsection. However, the applicability of subsection (a)(2) does not depend upon whether multiple counts are alleged" and inserting "The distinction is made on the basis of subsection (d)"; by striking "(*i.e.*, to which § 3D1.2(d) applies)"; and by striking "Conversely, when § 3D1.2(d) does not apply, so that convictions on multiple counts are considered separately in determining the guideline sentencing range, the guidelines prohibit aggregation of quantities from other counts in order to prevent 'double counting' of the conduct and harm from each count of conviction. Continuing offenses present similar practical problems. The reference to § 3D1.2(d), which provides for grouping of multiple counts arising out of a continuing offense when the offense guideline takes the continuing nature into account, also prevents double counting."

Section 1B1.5(c) is amended by striking "Chapter Three (Adjustments)" and inserting "Chapter Three, Parts A through D".

The Commentary to § 1B1.5 captioned "Application Notes" is amended in Note 3 by striking "(or group of closely related offenses in the case of offenses that would be grouped together under § 3D1.2(d))" and inserting "(or group of offenses to which § 3D1.1(a) applies)".

The Commentary to § 1B1.1 captioned "Background" is amended by striking "whether the offenses of conviction are the type in which the conduct is grouped under § 3D1.2(d)" and inserting "whether the offenses of conviction are the type to which § 3D1.1(a) applies"; and by striking "(see §§ 3D1.1–3D1.5, 5G1.2)" and inserting "(see §§ 3D1.1, 5G1.2)".

Section 2A1.4(b)(1) is amended by striking "Chapter Three, Part D (Multiple Counts)" and inserting "subsection (b) of § 3D1.1 (Procedure for

Determining Offense Level on Multiple Counts)".

The Commentary to § 2A6.1 captioned "Application Notes" is amended in Note 3 by striking the following:

"*Grouping*.—For purposes of Chapter Three, Part D (Multiple Counts), multiple counts involving making a threatening or harassing communication to the same victim are grouped together under § 3D1.2 (Groups of Closely Related Counts). Multiple counts involving different victims are not to be grouped under § 3D1.2.";

and inserting the following:

"*Multiple Counts*.—For purposes of Chapter Three, Part D (Multiple Counts), do not apply subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts) to multiple counts involving making a threatening or harassing communication to the same victim."

The Commentary to § 2A6.2 captioned "Application Notes" is amended in Note 4 by striking the following:

"For purposes of Chapter Three, Part D (Multiple Counts), multiple counts involving stalking, threatening, or harassing the same victim are grouped together (and with counts of other offenses involving the same victim that are covered by this guideline) under § 3D1.2 (Groups of Closely Related Counts). For example, if the defendant is convicted of two counts of stalking the defendant's ex-spouse under 18 U.S.C. 2261A and one count of interstate domestic violence involving an assault of the ex-spouse under 18 U.S.C. 2261, the stalking counts would be grouped together with the interstate domestic violence count. This grouping procedure avoids unwarranted 'double counting' with the enhancement in subsection (b)(1)(E) (for multiple acts of stalking, threatening, harassing, or assaulting the same victim) and recognizes that the stalking and interstate domestic violence counts are sufficiently related to warrant grouping."

Multiple counts that are cross referenced to another offense guideline pursuant to subsection (c) are to be grouped together if § 3D1.2 (Groups of Closely Related Counts) would require grouping of those counts under that offense guideline. Similarly, multiple counts cross referenced pursuant to subsection (c) are not to be grouped together if § 3D1.2 would preclude grouping of the counts under that offense guideline. For example, if the defendant is convicted of multiple counts of threatening an ex-spouse in violation of a court protection order under 18 U.S.C. 2262 and the counts are cross referenced to § 2A6.1 (Threatening or Harassing Communications), the

counts would group together because Application Note 3 of § 2A6.1 specifically requires grouping. In contrast, if the defendant is convicted of multiple counts of assaulting the ex-spouse in violation of a court protection order under 18 U.S.C. 2262 and the counts are cross referenced to § 2A2.2 (Aggravated Assault), the counts probably would not group together inasmuch as § 3D1.2(d) specifically precludes grouping of counts covered by § 2A2.2 and no other provision of § 3D1.2 would likely apply to require grouping.

Multiple counts involving different victims are not to be grouped under § 3D1.2 (Groups of Closely Related Counts).";

and inserting the following:

"For purposes of Chapter Three, Part D (Multiple Counts), do not apply subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts) to multiple counts involving stalking, threatening, or harassing the same victim. For example, if the defendant is convicted of two counts of stalking the defendant's ex-spouse under 18 U.S.C. 2261A and one count of interstate domestic violence involving an assault of the ex-spouse under 18 U.S.C. 2261, § 3D1.1(b) does not apply to the stalking counts."

Determine the combined offense level for multiple counts that are cross referenced to another offense guideline pursuant to subsection (c) by applying § 3D1.1."

The Commentary to § 2B1.1 captioned "Application Notes" is amended in Note 20 by striking "See Chapter Three, Part D (Multiple Counts)" and inserting "See subsection (a) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)".

The Commentary to § 2B1.5 captioned "Application Notes" is amended in Note 8 by striking "For purposes of Chapter Three, Part D (Multiple Counts), multiple counts involving offenses covered by this guideline are grouped together under subsection (d) of § 3D1.2 (Groups of Closely Related Counts). Multiple counts involving offenses covered by this guideline and offenses covered by other guidelines are not to be grouped under § 3D1.2(d)" and inserting "For purposes of Chapter Three, Part D (Multiple Counts), apply subsection (a) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts) to determine the combined offense level for multiple counts involving offenses covered by this guideline".

The Commentary to § 2D1.5 captioned "Application Notes" is amended by striking Note 3 as follows:

“3. *Multiple Counts*.—Violations of 21 U.S.C. 848 will be grouped with other drug offenses for the purpose of applying Chapter Three, Part D (Multiple Counts).”.

The Commentary to § 2D1.1 captioned “Application Notes” is amended in Note 9 by striking “Under the grouping rules of § 3D1.2(b), the counts will be grouped together” and inserting “Determine the combined offense level for these offenses by applying subsection (a) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

Section 2D2.3(b)(1) is amended by striking “apply Chapter Three, Part D (Multiple Counts)” and inserting “apply subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

Section 2G1.1(d)(1) is amended by striking “Chapter Three, Part D (Multiple Counts)” and inserting “subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

The Commentary to § 2G1.1 captioned “Application Notes” is amended in Note 5 by striking “multiple counts involving more than one victim are not to be grouped together under § 3D1.2 (Groups of Closely Related Counts)” and inserting “multiple counts involving more than one victim are subject to the adjustment under subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

Section 2G1.3(d)(1) is amended by striking “Chapter Three, Part D (Multiple Counts)” and inserting “subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

The Commentary to § 2G1.3 captioned “Application Notes” is amended in Note 6 by striking “multiple counts involving more than one minor are not to be grouped together under § 3D1.2 (Groups of Closely Related Counts)” and inserting “multiple counts involving more than one minor are subject to the adjustment under subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

Section 2G2.1(d)(1) is amended by striking “Chapter Three, Part D (Multiple Counts)” and inserting “subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

The Commentary to § 2G2.1 captioned “Application Notes” is amended in Note 7 by striking “multiple counts involving the exploitation of different minors are not to be grouped together under § 3D1.2 (Groups of Closely Related Counts)” and inserting “multiple counts involving the

exploitation of different minors are subject to the adjustment under subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

The Commentary to § 2H4.1 captioned “Application Notes” is amended in Note 2 by striking “the most serious such offense (or group of closely related offenses in the case of offenses that would be grouped together under § 3D1.2(d)) is to be used” and inserting “the most serious such offense (or group of offenses to which § 3D1.1(a) applies) is to be used”.

The Commentary to § 2J1.2 captioned “Application Notes” is amended by striking Note 3 as follows:

“3. *Convictions for the Underlying Offense*.—In the event that the defendant is convicted of an offense sentenced under this section as well as for the underlying offense (*i.e.*, the offense that is the object of the obstruction), *see* the Commentary to Chapter Three, Part C (Obstruction and Related Adjustments), and to § 3D1.2(c) (Groups of Closely Related Counts).”
[The proposed amendment would redesignate the rest of the notes in the Commentary to § 2J1.2 captioned “Application Notes” accordingly.]

Section 2J1.3(d)(1) is amended by striking “do not group the counts together under § 3D1.2 (Groups of Closely Related Counts)” and inserting “apply subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts) to the counts”.

The Commentary to § 2J1.3 captioned “Application Notes” is amended by striking Note 3 as follows:

“3. In the event that the defendant is convicted under this section as well as for the underlying offense (*i.e.*, the offense with respect to which he committed perjury, subornation of perjury, or witness bribery), *see* the Commentary to § 3C1.1, and to § 3D1.2(c) (Groups of Closely Related Counts).”

[The proposed amendment would redesignate the rest of the notes in the Commentary to § 2J1.3 captioned “Application Notes” accordingly.]

The Commentary to § 2J1.6 captioned “Application Notes” is amended in Note 3 by striking the following:

“In the case of a failure to appear for service of sentence, any term of imprisonment imposed on the failure to appear count is to be imposed consecutively to any term of imprisonment imposed for the underlying offense. *See* § 5G1.3(a). The guideline range for the failure to appear count is to be determined

independently and the grouping rules of §§ 3D1.1–3D1.5 do not apply.

However, in the case of a conviction on both the underlying offense and the failure to appear, other than a case of failure to appear for service of sentence, the failure to appear is treated under § 3C1.1 (Obstructing or Impeding the Administration of Justice) as an obstruction of the underlying offense, and the failure to appear count and the count or counts for the underlying offense are grouped together under § 3D1.2(c). (Note that 18 U.S.C. 3146(b)(2) does not require a sentence of imprisonment on a failure to appear count, although if a sentence of imprisonment on the failure to appear count is imposed, the statute requires that the sentence be imposed to run consecutively to any other sentence of imprisonment. Therefore, unlike a count in which the statute mandates both a minimum and a consecutive sentence of imprisonment, the grouping rules of §§ 3D1.1–3D1.5 apply. *See* § 3D1.1(b)(1), comment. (n.1), and § 3D1.2, comment. (n.1).) The combined sentence will then be constructed to provide a ‘total punishment’ that satisfies the requirements both of § 5G1.2 (Sentencing on Multiple Counts of Conviction) and 18 U.S.C. 3146(b)(2). For example, if the combined applicable guideline range for both counts is 30–37 months and the court determines that a ‘total punishment’ of 36 months is appropriate, a sentence of 30 months for the underlying offense plus a consecutive six months’ sentence for the failure to appear count would satisfy these requirements. (Note that the combination of this instruction and increasing the offense level for the obstructive, failure to appear conduct has the effect of ensuring an incremental, consecutive punishment for the failure to appear count, as required by 18 U.S.C. 3146(b)(2).)”; and inserting the following:

“In the case of a failure to appear for service of sentence, any term of imprisonment imposed on the failure to appear count is to be imposed consecutively to any term of imprisonment imposed for the underlying offense. *See* § 5G1.3(a). The guideline range for the failure to appear count is to be determined independently and § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts) does not apply.

However, in the case of a conviction on both the underlying offense and the failure to appear, other than a case of failure to appear for service of sentence, the failure to appear is treated under § 3C1.1 (Obstructing or Impeding the Administration of Justice) as an

obstruction of the underlying offense, and the combined offense level for the failure to appear count and the count or counts for the underlying offense is determined under § 3D1.1. (Note that 18 U.S.C. 3146(b)(2) does not require a sentence of imprisonment on a failure to appear count, although if a sentence of imprisonment on the failure to appear count is imposed, the statute requires that the sentence be imposed to run consecutively to any other sentence of imprisonment. Therefore, unlike a count in which the statute mandates both a minimum and a consecutive sentence of imprisonment, § 3D1.1 applies. See § 3D1.1(d)(1), comment. (n.1).) The combined sentence will then be constructed to provide a ‘total punishment’ that satisfies the requirements both of § 5G1.2 (Sentencing on Multiple Counts of Conviction) and 18 U.S.C. 3146(b)(2). For example, if the combined applicable guideline range for both counts is 30–37 months and the court determines that a ‘total punishment’ of 36 months is appropriate, a sentence of 30 months for the underlying offense plus a consecutive six months’ sentence for the failure to appear count would satisfy these requirements. (Note that the combination of this instruction and increasing the offense level for the obstructive, failure to appear conduct has the effect of ensuring an incremental, consecutive punishment for the failure to appear count, as required by 18 U.S.C. 3146(b)(2).)”.

The Commentary to § 2J1.9 captioned “Application Notes” is amended—in the caption by striking “Notes” and inserting “Note”;

and by striking Note 2 as follows:

“2. In the event that the defendant is convicted under this section as well as for the underlying offense (*i.e.*, the offense with respect to which the payment was made), see the Commentary to § 3C1.1, and to § 3D1.2(c) (Groups of Closely Related Counts).”.

The Commentary to § 2K2.4 captioned “Application Notes” is amended in Note 4 by striking the following:

“Non-Applicability of Certain Enhancements.—

(A) *In General.*—If a sentence under this guideline is imposed in conjunction with a sentence for an underlying offense, do not apply any specific offense characteristic for possession, brandishing, use, or discharge of an explosive or firearm when determining the sentence for the underlying offense. A sentence under this guideline accounts for any explosive or weapon enhancement for the underlying offense of conviction, including any such

enhancement that would apply based on conduct for which the defendant is accountable under § 1B1.3 (Relevant Conduct). Do not apply any weapon enhancement in the guideline for the underlying offense, for example, if (A) a co-defendant, as part of the jointly undertaken criminal activity, possessed a firearm different from the one for which the defendant was convicted under 18 U.S.C. 924(c); or (B) in an ongoing drug trafficking offense, the defendant possessed a firearm other than the one for which the defendant was convicted under 18 U.S.C. 924(c). However, if a defendant is convicted of two armed bank robberies, but is convicted under 18 U.S.C. 924(c) in connection with only one of the robberies, a weapon enhancement would apply to the bank robbery which was not the basis for the 18 U.S.C. 924(c) conviction.

A sentence under this guideline also accounts for conduct that would subject the defendant to an enhancement under § 2D1.1(b)(2) (pertaining to use of violence, credible threat to use violence, or directing the use of violence). Do not apply that enhancement when determining the sentence for the underlying offense.

If the explosive or weapon that was possessed, brandished, used, or discharged in the course of the underlying offense also results in a conviction that would subject the defendant to an enhancement under § 2K1.3(b)(3) (pertaining to possession of explosive material in connection with another felony offense) or § 2K2.1(b)(7)(B) (pertaining to possession of any firearm or ammunition in connection with another felony offense), do not apply that enhancement. A sentence under this guideline accounts for the conduct covered by these enhancements because of the relatedness of that conduct to the conduct that forms the basis for the conviction under 18 U.S.C. 844(h), 924(c) or 929(a). For example, if in addition to a conviction for an underlying offense of armed bank robbery, the defendant was convicted of being a felon in possession under 18 U.S.C. 922(g), the enhancement under § 2K2.1(b)(7)(B) would not apply.

(B) *Impact on Grouping.*—If two or more counts would otherwise group under subsection (c) of § 3D1.2 (Groups of Closely Related Counts), the counts are to be grouped together under § 3D1.2(c) despite the non-applicability of certain enhancements under Application Note 4(A). Thus, for example, in a case in which the defendant is convicted of a felon-in-possession count under 18 U.S.C. 922(g)

and a drug trafficking count underlying a conviction under 18 U.S.C. 924(c), the counts shall be grouped pursuant to § 3D1.2(c). The applicable Chapter Two guidelines for the felon-in-possession count and the drug trafficking count each include ‘conduct that is treated as a specific offense characteristic’ in the other count, but the otherwise applicable enhancements did not apply due to the rules in § 2K2.4 related to 18 U.S.C. 924(c) convictions.”;

and inserting the following:

“Non-Applicability of Certain

Enhancements.—If a sentence under this guideline is imposed in conjunction with a sentence for an underlying offense, do not apply any specific offense characteristic for possession, brandishing, use, or discharge of an explosive or firearm when determining the sentence for the underlying offense. A sentence under this guideline accounts for any explosive or weapon enhancement for the underlying offense of conviction, including any such enhancement that would apply based on conduct for which the defendant is accountable under § 1B1.3 (Relevant Conduct). Do not apply any weapon enhancement in the guideline for the underlying offense, for example, if (A) a co-defendant, as part of the jointly undertaken criminal activity, possessed a firearm different from the one for which the defendant was convicted under 18 U.S.C. 924(c); or (B) in an ongoing drug trafficking offense, the defendant possessed a firearm other than the one for which the defendant was convicted under 18 U.S.C. 924(c). However, if a defendant is convicted of two armed bank robberies, but is convicted under 18 U.S.C. 924(c) in connection with only one of the robberies, a weapon enhancement would apply to the bank robbery which was not the basis for the 18 U.S.C. 924(c) conviction.

A sentence under this guideline also accounts for conduct that would subject the defendant to an enhancement under § 2D1.1(b)(2) (pertaining to use of violence, credible threat to use violence, or directing the use of violence). Do not apply that enhancement when determining the sentence for the underlying offense.

If the explosive or weapon that was possessed, brandished, used, or discharged in the course of the underlying offense also results in a conviction that would subject the defendant to an enhancement under § 2K1.3(b)(3) (pertaining to possession of explosive material in connection with another felony offense) or § 2K2.1(b)(7)(B) (pertaining to possession of any firearm or

ammunition in connection with another felony offense), do not apply that enhancement. A sentence under this guideline accounts for the conduct covered by these enhancements because of the relatedness of that conduct to the conduct that forms the basis for the conviction under 18 U.S.C. 844(h), 924(c) or 929(a). For example, if in addition to a conviction for an underlying offense of armed bank robbery, the defendant was convicted of being a felon in possession under 18 U.S.C. 922(g), the enhancement under § 2K2.1(b)(7)(B) would not apply.”

The Commentary to § 2K2.6 captioned “Application Notes” is amended by striking Note 3 as follows:

“3. *Grouping of Multiple Counts.*—If subsection (b)(1) applies (because the defendant used the body armor in connection with another felony offense) and the instant offense of conviction includes a count of conviction for that other felony offense, the counts of conviction for the 18 U.S.C. 931 offense and that other felony offense shall be grouped pursuant to subsection (c) of § 3D1.2 (Groups of Closely Related Counts).”

The Commentary to § 2L2.2 captioned “Application Notes” is amended by striking Note 5 as follows:

“5. *Multiple Counts.*—For the purposes of Chapter Three, Part D (Multiple Counts), a count of conviction for unlawfully entering or remaining in the United States covered by § 2L1.2 (Unlawfully Entering or Remaining in the United States) arising from the same course of conduct as the count of conviction covered by this guideline shall be considered a closely related count to the count of conviction covered by this guideline, and therefore is to be grouped with the count of conviction covered by this guideline.”

Section 2M6.1(d)(1) is amended by striking “Chapter Three, Part D (Multiple Counts)” and inserting “subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

Section 2N1.1(d)(1) is amended by striking “Chapter Three, Part D (Multiple Counts)” and inserting “subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

The Commentary to § 2P1.2 captioned “Application Notes” is amended in Note 3 by striking “group the offenses together under § 3D1.2(c)” and inserting “determine the combined offense level for the offenses under § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”; and by striking “the grouping rules of §§ 3D1.1–3D1.5 apply. See § 3D1.1(b)(1),

comment. (n.1), and § 3D1.2, comment. (n.1)” and inserting “§ 3D1.1 will apply. See § 3D1.1(d)(1), comment. (n.1)”.

Section 2Q1.4(d)(1) is amended by striking “Chapter Three, Part D (Multiple Counts)” and inserting “subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)”.

The Commentary to § 2S1.1 captioned “Application Notes” is amended by striking Note 6 as follows:

“6. *Grouping of Multiple Counts.*—In a case in which the defendant is convicted of a count of laundering funds and a count for the underlying offense from which the laundered funds were derived, the counts shall be grouped pursuant to subsection (c) of § 3D1.2 (Groups of Closely-Related Counts).”

The Commentary to § 2X6.1 captioned “Application Notes” is amended in Note 3 by striking the following:

“*Multiple Counts.*—
(A) In a case in which the defendant is convicted under both 18 U.S.C. 25 and the underlying crime of violence, the counts shall be grouped pursuant to subsection (a) of § 3D1.2 (Groups of Closely Related Counts).

(B) Multiple counts involving the use of a minor in a crime of violence shall not be grouped under § 3D1.2.”;

and inserting the following:
“*Multiple Counts.*—In a case in which the defendant is convicted of multiple counts involving the use of a minor in a crime of violence, apply subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts) to the counts.”.

The Commentary to § 3C1.1 captioned “Application Notes” is amended—

by striking Note 8 as follows:
“8. *Grouping Under § 3D1.2(c).*—If the defendant is convicted both of an obstruction offense (e.g., 18 U.S.C. 3146 (Penalty for failure to appear); 18 U.S.C. 1621 (Perjury generally)) and an underlying offense (the offense with respect to which the obstructive conduct occurred), the count for the obstruction offense will be grouped with the count for the underlying offense under subsection (c) of § 3D1.2 (Groups of Closely Related Counts). The offense level for that group of closely related counts will be the offense level for the underlying offense increased by the 2-level adjustment specified by this section, or the offense level for the obstruction offense, whichever is greater.”.

and by redesignating Note 9 as Note 8.

The Commentary to § 5G1.2 captioned “Application Notes” is amended in Note 2(B)(ii) by striking “Whether the underlying offenses are groupable under

§ 3D1.2 (Groups of Closely Related Counts). Generally, multiple counts of 18 U.S.C. 1028A should run concurrently with one another in cases in which the underlying offenses are groupable under § 3D1.2” and inserting “Whether subsection (b) of § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts) applies to the underlying offenses. Generally, multiple counts of 18 U.S.C. 1028A should run concurrently with one another in cases in which § 3D1.1(b) did not apply to the underlying offenses”.

Issues for Comment:

1. The Commission seeks comment on whether it should simplify the operation of the multiple count rules. If so, does the proposed amendment achieve the goal of simplification? Alternatively, should the Commission simplify or clarify the application of these rules in a different manner? For example, should the Commission make more targeted revisions to Chapter Three, Part D to clarify the operation of the current rules? If so, what changes should the Commission make? Relatedly, if the Commission maintains the current structure of the multiple count rules, should it include its Grouping of Multiple Counts Decision Tree (available at <https://www.ussc.gov/education/training-resources/multiple-counts-quick-reference-materials>) as a reference in the *Guidelines Manual*?

2. When the Commission has previously undertaken simplification efforts of the *Guidelines Manual*, it has envisioned and framed proposed amendments to be outcome neutral. This proposed amendment likewise aims to be outcome neutral, recognizing that nevertheless there may be some cases resulting in higher guideline ranges and some cases resulting in lower guideline ranges. Are there any categories of cases resulting in higher or lower guideline ranges that should not result in a different guideline range? If so, what should the Commission do to address these cases while still achieving its goal of simplification?

3. New § 3D1.1(b) provides that, if multiple counts use the same guideline and the guideline is listed therein, the offense level for each count is calculated separately and an adjustment based on the number counts applies to the count resulting in the highest offense level. The guidelines listed in new subsection (b) are not currently aggregated under § 3D1.2(d) and generally cover offenses against a person and other offenses that in fiscal year 2024 resulted in a multiple count increase under § 3D1.4 on more than two cases. The Commission seeks comment on whether there are additional guidelines that should be

listed in new § 3D1.1(b). Alternatively, are there any listed guidelines that should be excluded from new § 3D1.1(b)?

New § 3D1.1(b) also lists six additional guidelines: § 2D2.3 (Operating or Directing the Operation of a Common Carrier Under the Influence of Alcohol or Drugs); § 2J1.3 (Perjury or Subornation of Perjury; Bribery of Witness); § 2M6.1 (Unlawful Activity Involving Nuclear Material, Weapons, or Facilities, Biological Agents, Toxins, or Delivery Systems, Chemical Weapons, or Other Weapons of Mass Destruction; Attempt or Conspiracy); § 2N1.1 (Tampering or Attempting to Tamper Involving Risk of Death or Bodily Injury); § 2Q1.4 (Tampering or Attempted Tampering with a Public Water System; Threatening to Tamper with a Public Water System); and § 2X6.1 (Use of a Minor in a Crime of Violence). These guidelines contain instructions providing for a multiple count adjustment under certain circumstances. In fiscal year 2024, none of these instructions applied, and only one case involved one of these six guidelines (§ 2J1.3) and a multiple count adjustment. The Commission seeks comment on whether these guidelines should be excluded from the list in new § 3D1.1(b) and the instructions found in each of these six guidelines also deleted.

6. Simplification

Synopsis of Proposed Amendment: In August 2025, the Commission identified as one of its policy priorities for the amendment cycle ending May 1, 2026, “[c]ontinued exploration of ways to simplify the *Guidelines Manual*, including . . . evaluating infrequently applied specific offense characteristics and adjustments provisions throughout the *Guidelines Manual*; and . . . possible consideration of amendments that might be appropriate.” U.S. Sent’g Comm’n, “Notice of Final Priorities,” 90 FR 39263, 39264 (Aug. 14, 2025).

The initiative of simplifying the *Guidelines Manual* has persisted almost since the guidelines’ inception and has taken various forms over time. For example, in 1993, the Commission deleted “25 offense guidelines by consolidating them with other offense guidelines that cover similar offense conduct and have identical or very similar base offense levels and adjustments” for various reasons, including that “it shortens and simplifies the *Guidelines Manual*.” See USSG App. C, amend. 481 (effective Nov. 1, 1993).

The *Guidelines Manual* includes 155 Chapter Two offense guidelines, 86 of which have at least one specific offense

characteristic, for a total of 298 specific offense characteristics. Application rates for the 298 specific offense characteristics vary widely, both in terms of number of times used each year and frequency of use within the underlying guideline.

The Commission is considering deleting 26 specific offense characteristics that courts did not apply at all in the last five fiscal years. These 26 specific offense characteristics applied a small number of times—if at all—even using a 25-year lookback window. For some of these specific offense characteristics, low usage mirrored low usage of the underlying guideline. For others, the underlying guideline was applied a relatively large number of times, but the specific offense characteristic was infrequently applied.

The proposed amendment would delete certain specific offense characteristics in the following guidelines: § 2A5.1 (Aircraft Piracy or Attempted Aircraft Piracy); § 2B1.5 (Theft of, Damage to, or Destruction of, Cultural Heritage Resources or Paleontological Resources; Unlawful Sale, Purchase, Exchange, Transportation, or Receipt of Cultural Heritage Resources or Paleontological Resources); § 2B2.3 (Trespass); § 2B6.1 (Altering or Removing Motor Vehicle Identification Numbers, or Trafficking in Motor Vehicles or Parts with Altered or Obliterated Identification Numbers); § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy); § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy); § 2D1.12 (Unlawful Possession, Manufacture, Distribution, Transportation, Exportation, or Importation of Prohibited Flask, Equipment, Chemical, Product, or Material; Attempt or Conspiracy); § 2D1.14 (Narco-Terrorism); § 2G3.2 (Obscene Telephone Communications for a Commercial Purpose; Broadcasting Obscene Material); § 2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information); § 2J1.3 (Perjury or Subornation of Perjury; Bribery of Witness); § 2J1.6 (Failure to Appear by Defendant); § 2J1.9 (Payment to Witness); § 2K1.5 (Possessing Dangerous Weapons or Materials While Boarding or Aboard an Aircraft); § 2K2.6 (Possessing, Purchasing, or Owning Body Armor by Violent Felons); § 2M4.1 (Failure to Register and Evasion of Military Service); § 2P1.1 (Escape, Instigating or Assisting Escape); § 2Q1.2 (Mishandling of Hazardous or Toxic

Substances or Pesticides; Recordkeeping, Tampering, and Falsification; Unlawfully Transporting Hazardous Materials in Commerce); § 2Q1.3 (Mishandling of Other Environmental Pollutants; Recordkeeping, Tampering, and Falsification); § 2Q1.4 (Tampering or Attempted Tampering with a Public Water System; Threatening to Tamper with a Public Water System); and § 2T1.9 (Conspiracy to Impede, Impair, Obstruct, or Defeat Tax).

An issue for comment is also provided.

Proposed Amendment:

Section 2A5.1 is amended by striking subsection (b) as follows:

“(b) Specific Offense Characteristic (1) If death resulted, increase by 5 levels.”

Section 2B1.5(b) is amended by striking paragraph (6) as follows:

“(6) If a dangerous weapon was brandished or its use was threatened, increase by 2 levels. If the resulting offense level is less than level 14, increase to level 14.”

The Commentary to § 2B1.5 captioned “Application Notes” is amended—

by striking Note 7 as follows:

“7. *Dangerous Weapons Enhancement Under Subsection (b)(6).*—For purposes of subsection (b)(6), ‘brandished’ and ‘dangerous weapon’ have the meaning given those terms in Application Note 1 of the Commentary to § 1B1.1 (Application Instructions).”; and by redesignating Note 8 as Note 7.

Section 2B2.3(b) is amended by striking paragraph (3) as follows:

“(3) If (A) the offense involved invasion of a protected computer; and (B) the loss resulting from the invasion (i) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (ii) exceeded \$6,500, increase by the number of levels from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount.”

The Commentary to § 2B2.3 captioned “Application Notes” is amended—in the caption by striking “Notes” and inserting “Note”;

in Note 1 by striking the following:

“‘Protected computer’ means a computer described in 18 U.S.C. 1030(e)(2)(A) or (B).”; and by striking Note 2 as follows:

“2. *Application of Subsection (b)(3).*—Valuation of loss is discussed in § 2B1.1 (Theft, Property Destruction, and Fraud) and the Commentary to § 2B1.1.”

Section 2B6.1(b) is amended by striking paragraph (3) as follows:

“(3) If the offense involved an organized scheme to steal vehicles or

vehicle parts, or to receive stolen vehicles or vehicle parts, and the offense level as determined above is less than level 14, increase to level 14.”

The Commentary to § 2B6.1 captioned “Application Notes” is amended—in the caption by striking “Notes” and inserting “Note”;

by striking Note 1 as follows:

“1. Subsection (b)(3), referring to an ‘organized scheme to steal vehicles or vehicle parts, or to receive stolen vehicles or vehicle parts,’ provides an alternative minimum measure of loss in the case of an ongoing, sophisticated operation such as an auto theft ring or ‘chop shop.’ ‘Vehicles’ refers to all forms of vehicles, including aircraft and watercraft. See Commentary to § 2B1.1 (Theft, Property Destruction, and Fraud).”;

and by redesignating Note 2 as Note

1. Section 2D1.1(b) is amended—

by striking paragraph (10) as follows:

“(10) If the defendant was convicted under 21 U.S.C. 841(g)(1)(A), increase by 2 levels.”;

by redesignating paragraphs (11) through (18) as paragraphs (10) through (17);

and in paragraph 12 (as so redesignated) by striking “subsection (b)(13)(B)” and inserting “subsection (b)(12)(B)”.

Section 2D1.1(e)(2)(C) is amended by striking “subsection (b)(17)” and inserting “subsection (b)(16)”.

The Commentary to § 2D1.1 captioned “Application Notes” is amended—

in Note 16 by striking “Subsection (b)(11)” both places it appears and inserting “Subsection (b)(10)”;

and by striking “§ 2D1.1(b)(16)(D)” and inserting “§ 2D1.1(b)(15)(D)”;

in Note 17 by striking “Subsection (b)(12)” both places it appears and inserting “Subsection (b)(11)”;

in Note 18, in the heading, by striking “Subsection (b)(14)” and inserting “Subsection (b)(13)”;

in Note 18(A) by striking “Subsection (b)(14)(A)” both places it appears and inserting “Subsection (b)(13)(A)”;

in Note 18(B) by striking “Subsection (b)(14)(C)–(D)” and inserting “Subsection (b)(13)(C)–(D)”;

by striking “Subsection (b)(14)(C)(ii)” and inserting “Subsection (b)(13)(C)(ii)”;

and by striking “subsection (b)(14)(D)” and inserting “subsection (b)(13)(D)”;

in Note 19 by striking “Subsection (b)(15)” both places it appears and inserting “Subsection (b)(14)”;

and by striking “subsection (b)(14)(A) and (b)(15)” and inserting “subsections (b)(13)(A) and (b)(14)”;

in Note 20, in the heading, by striking “Subsection (b)(16)” and inserting “Subsection (b)(15)”;

in Note 20(A) by striking “(Subsection (b)(16)(B))” and inserting “(Subsection (b)(15)(B))”;

and by striking “subsection (b)(16)(B)” and inserting “subsection (b)(15)(B)”;

in Note 20(B) by striking “(Subsection (b)(16)(C))” and inserting “(Subsection (b)(15)(C))”;

by striking “Subsection (b)(16)(C)” and inserting “Subsection (b)(15)(C)”;

and by striking “subsection (b)(16)(C)” and inserting “subsection (b)(15)(C)”;

in Note 20(C) by striking “(Subsection (b)(16)(E))” and inserting “(Subsection (b)(15)(E))”;

and by striking “subsection (b)(16)(E)” and inserting “subsection (b)(15)(E)”;

and in Note 21 by striking “Subsection (b)(18)” and inserting “Subsection (b)(17)”;

and by striking “subsection (b)(18)” both places it appears and inserting “subsection (b)(17)”.

The Commentary to § 2D1.1 captioned “Background” is amended by striking

“Subsection (b)(11)” and inserting

“Subsection (b)(10)”;

by striking “Subsection (b)(12)” and inserting

“Subsection (b)(11)”;

by striking “Subsection (b)(14)(A)” and inserting

“Subsection (b)(13)(A)”;

by striking “Subsection (b)(14)(C)(ii) and (D)” and inserting

“Subsection (b)(13)(C)(ii) and (D)”;

by striking “Subsection (b)(16)” and inserting “Subsection (b)(15)”;

and by striking “Subsection (b)(17)” and inserting “Subsection (b)(16)”.

Section 2D1.11(b) is amended—

by striking paragraph (2) as follows:

“(2) If the defendant is convicted of violating 21 U.S.C. 841(c)(2) or (f)(1), or § 960(d)(2), (d)(3), or (d)(4), decrease by 3 levels, unless the defendant knew or believed that the listed chemical was to be used to manufacture a controlled substance unlawfully.”;

by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

by striking paragraph (5) as follows:

“(5) If the defendant is convicted under 21 U.S.C. 865, increase by 2 levels.”;

and by redesignating paragraph (6) as paragraph (4).

The Commentary to § 2D1.11 captioned “Application Notes” is amended—

by striking Note 3 as follows:

“3. *Application of Subsection (b)(2).*—Convictions under 21 U.S.C. 841(c)(2) and (f)(1), and 960(d)(2), (d)(3), and (d)(4) do not require that the defendant have knowledge or an actual belief that the listed chemical was to be used to manufacture a controlled substance unlawfully. In a case in which the defendant possessed or distributed the listed chemical without such knowledge

or belief, a 3-level reduction is provided to reflect that the defendant is less culpable than one who possessed or distributed listed chemicals knowing or believing that they would be used to manufacture a controlled substance unlawfully.”;

by redesignating Notes 4 through 9 as Notes 3 through 8, respectively;

in Note 3 (as so redesignated) by striking “Subsection (b)(3)” both places it appears and inserting “Subsection (b)(2)”;

in Note 4 (as so redesignated) by striking “Subsection (b)(4)” and inserting “Subsection (b)(3)”;

and by striking “subsection (b)(4)” each place it appears and inserting “subsection (b)(3)”;

and in Note 6 (as so redesignated) by striking “Subsection (b)(6)” and inserting “Subsection (b)(4)”;

and by striking “subsection (b)(6)” both places it appears and inserting “subsection (b)(4)”.

Section 2D1.12(b) is amended by striking paragraph (4) as follows:

“(4) If the offense involved stealing anhydrous ammonia or transporting stolen anhydrous ammonia, increase by 6 levels.”.

Section 2D1.14 is amended—

in subsection (a)(1) by striking “§ 2D1.1(a)(5)(A), (a)(5)(B), and (b)(18)” and inserting “§ 2D1.1(a)(5)(A), (a)(5)(B), and (b)(17)”;

and by striking subsection (b) as follows:

“(b) Specific Offense Characteristic

(1) If § 3A1.4 (Terrorism) does not apply, increase by 6 levels.”.

Section 2G3.2 is amended by striking subsection (b) as follows:

“(b) Specific Offense Characteristics

(1) If a person who received the telephonic communication was less than eighteen years of age, or if a broadcast was made between six o'clock in the morning and eleven o'clock at night, increase by 4 levels.

(2) If 6 plus the offense level from the table in § 2B1.1 (Theft, Property Destruction, and Fraud) corresponding to the volume of commerce attributable to the defendant is greater than the offense level determined above, increase to that offense level.”.

The Commentary to § 2G3.2 is amended by striking the Commentary captioned “Background” in its entirety as follows:

“*Background:* Subsection (b)(1) provides an enhancement where an obscene telephonic communication was received by a minor less than 18 years of age or where a broadcast was made during a time when such minors were likely to receive it. Subsection (b)(2) provides an enhancement for large-scale

‘dial-a-porn’ or obscene broadcasting operations that results in an offense level comparable to the offense level for such operations under § 2G3.1 (Importing, Mailing, or Transporting Obscene Matter; Transferring Obscene Matter to a Minor). The extent to which the obscene material was distributed is approximated by the volume of commerce attributable to the defendant.”

Section 2H3.1(b) is amended—in the heading by striking “Characteristics” and inserting “Characteristic”; and by striking paragraph (2) as follows:

“(2) (Apply the greater) If—

(A) the defendant is convicted under 18 U.S.C. 119, increase by 8 levels; or

(B) the defendant is convicted under 18 U.S.C. 119, and the offense involved the use of a computer or an interactive computer service to make restricted personal information about a covered person publicly available, increase by 10 levels.”

The Commentary to § 2H3.1 captioned “Application Notes” is amended by striking Notes 3 and 4 as follows:

“3. *Inapplicability of Chapter Three (Adjustments)*.—If the enhancement under subsection (b)(2) applies, do not apply § 3A1.2 (Official Victim).

4. *Definitions*.—For purposes of this guideline:

‘Computer’ has the meaning given that term in 18 U.S.C. 1030(e)(1).

‘Covered person’ has the meaning given that term in 18 U.S.C. 119(b).

‘Interactive computer service’ has the meaning given that term in section 230(e)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)).

‘Means of identification’ has the meaning given that term in 18 U.S.C. 1028(d)(7), except that such means of identification shall be of an actual (*i.e.*, not fictitious) individual, other than the defendant or a person for whose conduct the defendant is accountable under § 1B1.3 (Relevant Conduct).

‘Personal information’ means sensitive or private information involving an identifiable individual (including such information in the possession of a third party), including (A) medical records; (B) wills; (C) diaries; (D) private correspondence, including email; (E) financial records; (F) photographs of a sensitive or private nature; or (G) similar information.

‘Restricted personal information’ has the meaning given that term in 18 U.S.C. 119(b).”

Section 2J1.3(b) is amended—in the heading by striking “Characteristics” and inserting “Characteristic”;

by striking paragraph (1) as follows: “(1) If the offense involved causing or threatening to cause physical injury to a person, or property damage, in order to suborn perjury, increase by 8 levels.”; and by redesignating paragraph (2) as paragraph (1).

Section 2J1.6(b) is amended—in the heading by striking “Characteristics” and inserting “Characteristic”; by striking paragraph (1) as follows: “(1) If the base offense level is determined under subsection (a)(1), and the defendant—

(A) voluntarily surrendered within 96 hours of the time he was originally scheduled to report, decrease by 5 levels; or

(B) was ordered to report to a community corrections center, community treatment center, ‘halfway house,’ or similar facility, and subdivision (A) above does not apply, decrease by 2 levels.

Provided, however, that this reduction shall not apply if the defendant, while away from the facility, committed any federal, state, or local offense punishable by a term of imprisonment of one year or more.”;

and by redesignating paragraph (2) as paragraph (1).

Section 2J1.9 is amended by striking subsection (b) as follows:

“(b) Specific Offense Characteristic (1) If the payment was made or offered for refusing to testify or for the witness absenting himself to avoid testifying, increase by 4 levels.”.

Section 2K1.5(b) is amended by striking the following:

“If more than one applies, use the greatest:

(1) If the offense was committed willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, increase by 15 levels.

(2) If the defendant was prohibited by another federal law from possessing the weapon or material, increase by 2 levels.

(3) If the defendant’s possession of the weapon or material would have been lawful but for 49 U.S.C. 46505 and he acted with mere negligence, decrease by 3 levels.”;

and inserting the following:

“(1) (Apply the greater) If— (A) the offense was committed willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, increase by 15 levels; or

(B) the defendant was prohibited by another federal law from possessing the weapon or material, increase by 2 levels.”.

The Commentary to § 2K1.5 captioned “Background” is amended by striking

“A decrease is provided in a case of mere negligence where the defendant was otherwise authorized to possess the weapon or material.”.

Section 2K2.6 is amended by striking subsection (b) as follows:

“(b) Specific Offense Characteristic

(1) If the defendant used the body armor in connection with another felony offense, increase by 4 levels.”.

The Commentary to § 2K2.6 is amended by striking the Commentary captioned “Application Notes” in its entirety as follows:

Application Notes:

1. *Application of Subsection (b)(1)*.—

(A) *Meaning of ‘Defendant’*.—

Consistent with § 1B1.3 (Relevant Conduct), the term ‘defendant’, for purposes of subsection (b)(1), limits the accountability of the defendant to the defendant’s own conduct and conduct that the defendant aided or abetted, counseled, commanded, induced, procured, or willfully caused.

(B) *Meaning of ‘Felony Offense’*.—For purposes of subsection (b)(1), ‘felony offense’ means any offense (federal, state, or local) punishable by imprisonment for a term exceeding one year, regardless of whether a criminal charge was brought, or a conviction obtained.

(C) *Meaning of ‘Used’*.—For purposes of subsection (b)(1), ‘used’ means the body armor was (i) actively employed in a manner to protect the person from gunfire; or (ii) used as a means of bartering. Subsection (b)(1) does not apply if the body armor was merely possessed. For example, subsection (b)(1) would not apply if the body armor was found in the trunk of a car but was not being actively used as protection.

2. *Inapplicability of § 3B1.5*.—If subsection (b)(1) applies, do not apply the adjustment in § 3B1.5 (Use of Body Armor in Drug Trafficking Crimes and Crimes of Violence).

3. *Grouping of Multiple Counts*.—If subsection (b)(1) applies (because the defendant used the body armor in connection with another felony offense) and the instant offense of conviction includes a count of conviction for that other felony offense, the counts of conviction for the 18 U.S.C. 931 offense and that other felony offense shall be grouped pursuant to subsection (c) of § 3D1.2 (Groups of Closely Related Counts).”.

Section 2M4.1 is amended by striking subsection (b) as follows:

“(b) Specific Offense Characteristic

(1) If the offense occurred at a time when persons were being inducted for compulsory military service, increase by 6 levels.”.

Section 2P1.1(b) is amended by striking paragraph (4) as follows:

“(4) If the defendant was a law enforcement or correctional officer or employee, or an employee of the Department of Justice, at the time of the offense, increase by 2 levels.”.

The Commentary to 2P1.1 captioned “Application Notes” is amended—

by striking Note 3 as follows:

“3. If the adjustment in subsection (b)(4) applies, no adjustment is to be made under § 3B1.3 (Abuse of Position of Trust or Use of Special Skill).”; and by redesignating Notes 4 and 5 as Notes 3 and 4, respectively.

Section 2Q1.2(b) is amended—

by striking paragraph (5) as follows:

“(5) If a recordkeeping offense reflected an effort to conceal a substantive environmental offense, use the offense level for the substantive offense.”;

and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

The Commentary to § 2Q1.2 captioned “Application Notes” is amended—

by striking Note 1 as follows:

“1. ‘Recordkeeping offense’ includes both recordkeeping and reporting offenses. The term is to be broadly construed as including failure to report discharges, releases, or emissions where required; the giving of false information; failure to file other required reports or provide necessary information; and failure to prepare, maintain, or provide records as prescribed.”;

and by redesignating Notes 2 through 7 as Notes 1 through 6, respectively.

The Commentary to § 2Q1.2 captioned “Background” is amended by striking “§ 2Q1.2(b)(6)” and inserting “§ 2Q1.2(b)(5)”.

Section 2Q1.3(b) is amended—

by striking paragraph (2) as follows:

“(2) If the offense resulted in a substantial likelihood of death or serious bodily injury, increase by 11 levels.”;

by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

and by striking paragraph (5) as follows:

“(5) If a recordkeeping offense reflected an effort to conceal a substantive environmental offense, use the offense level for the substantive offense.”.

The Commentary to § 2Q1.3 captioned “Application Notes” is amended—

by striking Note 1 as follows:

“1. ‘Recordkeeping offense’ includes both recordkeeping and reporting offenses. The term is to be broadly construed as including failure to report discharges, releases, or emissions where

required; the giving of false information; failure to file other required reports or provide necessary information; and failure to prepare, maintain, or provide records as prescribed.”;

by renumbering Notes 2 and 3 as Notes 1 and 2, respectively;

by striking Note 4 as follows:

“4. Subsection (b)(2) applies to offenses where the public health is seriously endangered.”;

by redesignating Notes 5 and 6 as Notes 3 and 4, respectively;

in Note 3 (as so redesignated) by striking “Subsection (b)(3)” and inserting “Subsection (b)(2)”;

and in Note 4 (as so redesignated) by striking “Subsection (b)(4)” and inserting “Subsection (b)(3)”.

Section 2Q1.4 is amended—

by striking subsection (b) as follows:

(b) Specific Offense Characteristics

(1) If (A) any victim sustained permanent or life-threatening bodily injury, increase by 4 levels; (B) any victim sustained serious bodily injury, increase by 2 levels; or (C) the degree of injury is between that specified in subdivisions (A) and (B), increase by 3 levels.

(2) If the offense resulted in (A) a substantial disruption of public, governmental, or business functions or services; or (B) a substantial expenditure of funds to clean up, decontaminate, or otherwise respond to the offense, increase by 4 levels.

(3) If the offense resulted in an ongoing, continuous, or repetitive release of a contaminant into a public water system or lasted for a substantial period of time, increase by 2 levels.”;

and by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

The Commentary to § 2Q1.4 captioned “Application Notes” is amended in Note 2 by striking “Subsection (d)” and inserting “Subsection (c)”;

and by striking “subsection (c)” and inserting “subsection (b)”.

Section 2T1.9 is amended in

subsection (b)—

in the heading by striking

“Characteristics” and inserting

“Characteristic”;

by striking the following:

“If more than one applies, use the

greater:

(1) If the offense involved the planned or threatened use of violence to impede, impair, obstruct, or defeat the ascertainment, computation, assessment, or collection of revenue, increase by 4 levels.”;

and by redesignating paragraph (2) as paragraph (1).

The Commentary to § 2T1.9 captioned “Application Notes” is amended—

in Note 3 by striking “Specific offense characteristics from § 2T1.9(b) are to be applied” and inserting “Subsection (b)(1) is to be applied”;

and in Note 4 by striking “Subsection (b)(2)” and inserting “Subsection (b)(1)”.

The Commentary to § 2T1.9 captioned “Background” is amended by striking “Additional specific offense characteristics are included” and inserting “A specific offense characteristic is included”.

The Commentary to § 3B1.4 captioned “Application Notes” is amended in Note 2 by striking “§ 2D1.1(b)(16)(B)” and inserting “§ 2D1.1(b)(15)(B)”.

The Commentary to § 3B1.5 captioned “Application Notes” is amended by striking Note 3 as follows:

“3. *Interaction with § 2K2.6 and Other Counts of Conviction.*—If the defendant is convicted only of 18 U.S.C. 931 and receives an enhancement under subsection (b)(1) of § 2K2.6 (Possessing, Purchasing, or Owning Body Armor by Violent Felons), do not apply an adjustment under this guideline. However, if, in addition to the count of conviction under 18 U.S.C. 931, the defendant (A) is convicted of an offense that is a drug trafficking crime or a crime of violence; and (B) used the body armor with respect to that offense, an adjustment under this guideline shall apply with respect to that offense.”.

The Commentary to § 3C1.1 captioned “Application Notes” is amended in Note 7 by striking “§ 2D1.1(b)(16)(D)” and inserting “§ 2D1.1(b)(15)(D)”.

Issue for Comment

1. The proposed amendment would delete 26 specific offense characteristics in Chapter Two that courts did not apply at all in the last five fiscal years. The Commission seeks comment on whether this approach is appropriate for these infrequently used specific offense characteristics. What would be lost, if anything, by deleting these specific offense characteristics? Should the Commission take a different approach to address these specific offense characteristics?

7. Sophisticated Means

Synopsis of Proposed Amendment: In August 2025, the Commission identified as one of its policy priorities for the amendment cycle ending May 1, 2026, “[e]xamination of offenses involving sophisticated means and possible consideration of an additional Chapter Three adjustment that would account for the consideration of factors such as sophistication in the preparation for, commission of, or evasion of detection for an offense.” U.S. Sent’g Comm’n,

“Notice of Final Priorities,” 90 FR 39263, 39264 (Aug. 14, 2025).

The *Guidelines Manual* includes five guidelines that contain specific offense characteristics that expressly address “sophisticated” conduct. Three tax guidelines provide the following “sophisticated means” enhancement: “If the offense involved sophisticated means, increase by 2 levels. If the resulting offense level is less than level 12, increase to level 12.” USSG §§ 2T1.1(b)(2), 2T1.4(b)(2), 2T3.1(b)(1). Section 2B1.1 (Theft, Property Destruction, and Fraud) provides a similar 2-level “sophisticated means” enhancement with an offense-level floor of 12 if “the offense otherwise involved sophisticated means and the defendant intentionally engaged in or caused the conduct constituting sophisticated means.” USSG § 2B1.1(b)(10)(C). Finally, § 2S1.1 (Laundering of Monetary Instruments; Engaging in Monetary Transactions in Property Derived from Unlawful Activity) provides a 2-level “sophisticated laundering” enhancement if the defendant was convicted under 18 U.S.C. 1956 and “the offense involved sophisticated laundering.” USSG § 2S1.1(b)(3).

For purposes of these guidelines, “sophisticated means” is defined as “especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense. [] Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts [] ordinarily indicates sophisticated means.” USSG §§ 2B1.1, comment. (n.9(B)); 2T1.1, comment. (n.5); 2T1.4, comment. (n.3); 2T3.1, comment. (n.2). “Sophisticated laundering” is defined as “complex or intricate offense conduct pertaining to the execution or concealment of the 18 U.S.C. 1956 offense.” USSG § 2S1.1, comment. (n.5(A)). The Commentary to § 2S1.1 also provides that

Sophisticated laundering typically involves the use of—
(i) fictitious entities;
(ii) shell corporations;
(iii) two or more levels (*i.e.*, layering) of transactions, transportation, transfers, or transmissions, involving criminally derived funds that were intended to appear legitimate; or
(iv) offshore financial accounts.
Id.

The Commission has received public comment expressing concern that the current “sophisticated means” specific offense characteristics are applied based on commonplace technologies. In addition, the Department of Justice asked the Commission to consider

consolidating those specific offense characteristics into a broader Chapter Three adjustment.

The proposed amendment sets forth two options to address these concerns.

Option 1 would create a new Chapter Three adjustment at § 3C1.5. The new adjustment would provide a 2-level enhancement, with a possible offense-level floor of 12, if “the offense involved sophisticated means [and the defendant intentionally engaged in or caused the conduct involving sophisticated means].” It would also include a definition of “sophisticated means” that references the use of advanced or emerging technologies. The proposed amendment would make conforming changes to §§ 2B1.1, 2S1.1, 2T1.1, 2T1.4, and 2T3.1 to delete the specific offense characteristics addressing sophisticated conduct.

Option 2 would amend §§ 2B1.1, 2S1.1, 2T1.1, 2T1.4, and 2T3.1 to provide updated, uniform guidance relating to sophisticated conduct.

Issues for comment are also provided.

Proposed Amendment:

Option 1 (New Chapter Three Adjustment for Sophisticated Means)

Chapter Three, Part C is amended by inserting at the end the following new guideline and accompanying commentary:

“§ 3C1.5. *Sophisticated Means*

(a) If the offense involved sophisticated means [and the defendant intentionally engaged in or caused the conduct involving sophisticated means], increase by [2] levels. [If the resulting offense level is less than level [12], increase to level [12].]

(b) For purposes of this guideline, ‘sophisticated means’ means committing or concealing an offense with a greater level of complexity than typical for an offense of that nature. Such complexity may be achieved through various methods, including by using advanced or emerging technologies [in ways not routinely employed by everyday users][in a more specialized, elaborate, or unusual way than an ordinary user would]. Sophisticated means are often used to increase the scale of the offense or to make especially difficult the detection of the offense [or the detection of the defendant’s participation in the offense].

Commentary

Application Notes:

1. *Interaction with Other Chapter Three Adjustments.*—If the conduct that forms the basis for an adjustment under § 3B1.3 (Abuse of Position of Trust or Use of Special Skill) is the only conduct that forms the basis for an adjustment

under this guideline, do not apply an adjustment under this guideline.

Similarly, if the conduct that forms the basis for an adjustment under § 3C1.1 (Obstructing or Impeding the Administration of Justice) is the only conduct that forms the basis for an adjustment under this guideline, do not apply this guideline.”.

Section 2B1.1(b)(10) is amended by striking “(B) a substantial part of a fraudulent scheme was committed from outside the United States; or (C) the offense otherwise involved sophisticated means and the defendant intentionally engaged in or caused the conduct constituting sophisticated means” and inserting “or (B) a substantial part of a fraudulent scheme was committed from outside the United States”.

The Commentary to § 2B1.1 captioned “Application Notes” is amended in Note 9—

by striking subparagraphs (B) and (C) as follows:

“(B) *Sophisticated Means Enhancement under Subsection (b)(10)(C).*—For purposes of subsection (b)(10)(C), ‘sophisticated means’ means especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense. For example, in a telemarketing scheme, locating the main office of the scheme in one jurisdiction but locating soliciting operations in another jurisdiction ordinarily indicates sophisticated means. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts also ordinarily indicates sophisticated means.

(C) *Non-Applicability of Chapter Three Adjustment.*—If the conduct that forms the basis for an enhancement under subsection (b)(10) is the only conduct that forms the basis for an adjustment under § 3C1.1, do not apply that adjustment under § 3C1.1.”, and inserting the following new paragraph (B):

“(B) *Non-Applicability of Chapter Three Adjustments.*—If the conduct that forms the basis for an enhancement under subsection (b)(10) is the only conduct that forms the basis for an adjustment under § 3C1.1 (Obstructing or Impeding the Administration of Justice), do not apply that adjustment under § 3C1.1.

Similarly, if the conduct that forms the basis for an enhancement under subsection (b)(10) is the only conduct that forms the basis for an adjustment under § 3C1.5 (Sophisticated Means), do not apply that adjustment under § 3C1.5.”.

Section 2S1.1(b) is amended by striking paragraph (3) as follows:

“(3) If (A) subsection (b)(2)(B) applies; and (B) the offense involved sophisticated laundering, increase by 2 levels.”.

The Commentary to § 2S1.1 captioned “Application Notes” is amended—

by striking Note 5 as follows:

“5. (A) *Sophisticated Laundering under Subsection (b)(3)*.—For purposes of subsection (b)(3), ‘sophisticated laundering’ means complex or intricate offense conduct pertaining to the execution or concealment of the 18 U.S.C. 1956 offense.

Sophisticated laundering typically involves the use of—

(i) fictitious entities;
(ii) shell corporations;
(iii) two or more levels (*i.e.*, layering) of transactions, transportation, transfers, or transmissions, involving criminally derived funds that were intended to appear legitimate; or

(iv) offshore financial accounts.

(B) *Non-Applicability of Enhancement*.—If subsection (b)(3) applies, and the conduct that forms the basis for an enhancement under the guideline applicable to the underlying offense is the only conduct that forms the basis for application of subsection (b)(3) of this guideline, do not apply subsection (b)(3) of this guideline.”; and by redesignating Note 6 as Note 5.

Section 2T1.1(b) is amended—in the heading by striking “Characteristics” and inserting “Characteristic”;

and by striking paragraph (2) as follows:

“(2) If the offense involved sophisticated means, increase by 2 levels. If the resulting offense level is less than level 12, increase to level 12.”.

The Commentary to § 2T1.1 captioned “Application Notes” is amended—

by striking Note 5 as follows:

5. *Application of Subsection (b)(2) (Sophisticated Means)*.—For purposes of subsection (b)(2), ‘sophisticated means’ means especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts ordinarily indicates sophisticated means.”;

and by redesignating Notes 6 and 7 as Notes 5 and 6, respectively.

Section 2T1.4(b) is amended—in the heading by striking “Characteristics” and inserting “Characteristic”;

and by striking paragraph (2) as follows:

“(2) If the offense involved sophisticated means, increase by 2 levels. If the resulting offense level is less than level 12, increase to level 12.”.

The Commentary to § 2T1.4 captioned “Application Notes” is amended by striking Note 3 as follows:

“3. *Sophisticated Means*.—For purposes of subsection (b)(2), ‘sophisticated means’ means especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts ordinarily indicates sophisticated means.”.

Section 2T3.1 is amended by striking subsection (b) as follows:

“(b) Specific Offense Characteristic

(1) If the offense involved sophisticated means, increase by 2 levels. If the resulting offense level is less than level 12, increase to level 12.”.

The Commentary to § 2T3.1 captioned “Application Notes” is amended—in the caption by striking “Notes” and inserting “Note”;

and by striking Note 2 as follows:

“2. *Sophisticated Means*.—For purposes of subsection (b)(1), ‘sophisticated means’ means especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts ordinarily indicates sophisticated means.”.

Option 2 (Updated Guidance on Sophisticated Conduct in Chapter Two Guidelines)

Section 2B1.1(b)(10) is amended by inserting after “increase to level 12.” the following: “For purposes of subsection (b)(10)(C), ‘sophisticated means’ means committing or concealing an offense with a greater level of complexity than typical for an offense of that nature. Such complexity may be achieved through various methods, including by using advanced or emerging technologies [in ways not routinely employed by everyday users][in a more specialized, elaborate, or unusual way than an ordinary user would]. Sophisticated means are often used to increase the scale of the offense or to make especially difficult the detection of the offense [or the detection of the defendant’s participation in the offense].”.

The Commentary to § 2B1.1 captioned “Application Notes” is amended in Note 9—

by striking the following:

“(B) *Sophisticated Means Enhancement under Subsection (b)(10)(C)*.—For purposes of subsection (b)(10)(C), ‘sophisticated means’ means

especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense. For example, in a telemarketing scheme, locating the main office of the scheme in one jurisdiction but locating soliciting operations in another jurisdiction ordinarily indicates sophisticated means. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts also ordinarily indicates sophisticated means.

(C) *Non-Applicability of Chapter Three Adjustment*.—If the conduct that forms the basis for an enhancement under subsection (b)(10) is the only conduct that forms the basis for an adjustment under § 3C1.1, do not apply that adjustment under § 3C1.1.”,

and inserting the following:

“(B) *[Sophisticated Means Enhancement under Subsection (b)(10)(C)]*.—For purposes of subsection (b)(10)(C), an example of conduct ordinarily indicating sophisticated means includes, in a telemarketing scheme, locating the main office of the scheme in one jurisdiction but locating soliciting operations in another jurisdiction. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts also ordinarily indicates sophisticated means.

(C) *[Non-Applicability of Chapter Three Adjustment]*.—If the conduct that forms the basis for an enhancement under subsection (b)(10) is the only conduct that forms the basis for an adjustment under § 3C1.1 (Obstructing or Impeding the Administration of Justice), do not apply that adjustment under § 3C1.1.”.

Section 2S1.1(b)(3) is amended by inserting after “increase by 2 levels.” the following: “For purposes of subsection (b)(3), ‘sophisticated laundering’ means committing or concealing an offense under 18 U.S.C. 1956 with a greater level of complexity than typical for an offense of that nature. Such complexity may be achieved through various methods, including by using advanced or emerging technologies [in ways not routinely employed by everyday users][in a more specialized, elaborate, or unusual way than an ordinary user would]. Sophisticated laundering is often used to increase the scale of the offense or to make especially difficult the detection of the offense [or the

detection of the defendant's participation in the offense].”.

The Commentary to § 2S1.1 captioned “Application Notes” is amended in Note 5 by striking the following:

“(A) *Sophisticated Laundering under Subsection (b)(3)*.—For purposes of subsection (b)(3), ‘sophisticated laundering’ means complex or intricate offense conduct pertaining to the execution or concealment of the 18 U.S.C. 1956 offense.

Sophisticated laundering typically involves the use of—

(i) fictitious entities;
(ii) shell corporations;
(iii) two or more levels (*i.e.*, layering) of transactions, transportation, transfers, or transmissions, involving criminally derived funds that were intended to appear legitimate; or

(iv) offshore financial accounts.

(B) *Non-Applicability of Enhancement*.—If subsection (b)(3) applies, and the conduct that forms the basis for an enhancement under the guideline applicable to the underlying offense is the only conduct that forms the basis for application of subsection (b)(3) of this guideline, do not apply subsection (b)(3) of this guideline.”, and inserting the following:

“[(A) *Sophisticated Laundering under Subsection (b)(3)*.—For purposes of subsection (b)(3), sophisticated laundering typically involves the use of—

(i) fictitious entities;
(ii) shell corporations;
(iii) two or more levels (*i.e.*, layering) of transactions, transportation, transfers, or transmissions, involving criminally derived funds that were intended to appear legitimate; or

(iv) offshore financial accounts.

(B) *Non-Applicability of Subsection (b)(3)*.—If subsection (b)(3) applies, and the conduct that forms the basis for an enhancement under the guideline applicable to the underlying offense is the only conduct that forms the basis for application of subsection (b)(3) of this guideline, do not apply subsection (b)(3) of this guideline.”.

Section 2T1.1(b)(2) is amended by inserting after “increase to level 12.” the following: “For purposes of subsection (b)(2), ‘sophisticated means’ means committing or concealing an offense with a greater level of complexity than typical for an offense of that nature. Such complexity may be achieved through various methods, including by using advanced or emerging technologies [in ways not routinely employed by everyday users][in a more specialized, elaborate, or unusual way than an ordinary user would]. Sophisticated means are often used to

increase the scale of the offense or to make especially difficult the detection of the offense [or the detection of the defendant's participation in the offense].”.

The Commentary to § 2T1.1 captioned “Application Notes” is amended— by striking Note 5 as follows:

5. *Application of Subsection (b)(2) (Sophisticated Means)*.—For purposes of subsection (b)(2), ‘sophisticated means’ means especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts ordinarily indicates sophisticated means.”[; and inserting the following new Note 5:

“5. *Application of Subsection (b)(2) (Sophisticated Means)*.—For purposes of subsection (b)(2), conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts ordinarily indicates sophisticated means.”[; and by redesignating Notes 6 and 7 as

Notes 5 and 6, respectively.

Section 2T1.4(b)(2) is amended by inserting after “increase to level 12.” the following: “For purposes of subsection (b)(2), ‘sophisticated means’ means committing or concealing an offense with a greater level of complexity than typical for an offense of that nature. Such complexity may be achieved through various methods, including by using advanced or emerging technologies [in ways not routinely employed by everyday users][in a more specialized, elaborate, or unusual way than an ordinary user would]. Sophisticated means are often used to increase the scale of the offense or to make especially difficult the detection of the offense [or the detection of the defendant's participation in the offense].”.

The Commentary to § 2T1.4 captioned “Application Notes” is amended by striking Note 3 as follows:

“3. *Sophisticated Means*.—For purposes of subsection (b)(2), ‘sophisticated means’ means especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts ordinarily indicates sophisticated means.”[; and inserting the following new Note 3:

“3. *Sophisticated Means*.—For purposes of subsection (b)(2), conduct

such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts ordinarily indicates sophisticated means.”[.

Section 2T3.1(b)(1) is amended by inserting after “increase to level 12.” the following: “For purposes of subsection (b)(1), ‘sophisticated means’ means committing or concealing an offense with a greater level of complexity than typical for an offense of that nature. Such complexity may be achieved through various methods, including by using advanced or emerging technologies [in ways not routinely employed by everyday users][in a more specialized, elaborate, or unusual way than an ordinary user would]. Sophisticated means are often used to increase the scale of the offense or to make especially difficult the detection of the offense [or the detection of the defendant's participation in the offense].”.

The Commentary to § 2T3.1 captioned “Application Notes” is amended— in the caption by striking “Notes” and inserting “Note”;

by striking Note 2 as follows:

“2. *Sophisticated Means*.—For purposes of subsection (b)(1), ‘sophisticated means’ means especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts ordinarily indicates sophisticated means.”[;

and by inserting the following new Note 2:

“2. *Sophisticated Means*.—For purposes of subsection (b)(1), conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore financial accounts ordinarily indicates sophisticated means.”[.

Issues for Comment

1. Option 1 of the proposed amendment would add a new Chapter Three adjustment for sophisticated means that would apply across all offense types covered by Chapter Two of the guidelines. The Commission seeks comment on whether the base offense levels in Chapter Two currently cover “typical” offense conduct or whether any base offense levels account for “sophisticated” offense conduct. If the Commission were to promulgate Option 1 of the proposed amendment, are there any Chapter Two offense conduct guidelines or types of offenses that should be excluded from application of

the adjustment? If so, which guidelines or types of offenses?

2. Option 1 of the proposed amendment would delete the five specific offense characteristics that currently address “sophisticated” conduct in certain Chapter Two guidelines. Other specific offense characteristics address different aspects of offense conduct that also could be considered markers of sophistication, such as:

- the amount of planning involved (see USSG §§ 2A2.2(b)(1); 2B2.1(b)(1); 2J1.2(b)(3)(C));
- the use of technology, namely the use of a computer or an interactive computer service (see USSG §§ 2A3.1(b)(6)(B); 2A3.2(b)(3); 2A3.3(b)(2); 2A3.4(b)(5); 2D1.1(b)(7); 2D1.11(b)(4); 2D1.12(b)(3); 2G1.3(b)(3); 2G2.1(b)(6)(B); 2G2.2(b)(6); 2G2.6(b)(4); 2G3.1(b)(3); 2H3.1(b)(2)(B)); and
- ongoing, recurring criminal conduct with a large scope (see USSG §§ 2B1.1(b)(15); 2B6.1(b)(3)).

Are there any other specific offense characteristics or Chapter Three adjustments that address sophisticated ways in which an offense may be committed or concealed? If the Commission were to promulgate Option 1 of the proposed amendment, how should the new adjustment interact with these specific offense characteristics and adjustments? Should these specific offense characteristics be deleted from Chapter Two and the conduct covered by these provisions be integrated into the proposed Chapter Three adjustment? Alternatively, should the proposed adjustment not apply if any of these specific offense characteristics also applies?

3. Both Option 1 and Option 2 of the proposed amendment would define “sophisticated” conduct as “committing or concealing an offense with a greater level of complexity than typical for an offense of that nature.” The definition would also include a provision stating that the complexity required by the “sophisticated” conduct definition “may be achieved through various methods, including by using advanced or emerging technologies [in ways not routinely employed by everyday users][in a more specialized, elaborate, or unusual way than an ordinary user would].” The Commission seeks comment on whether the proposed amended definition of “sophisticated” conduct is the appropriate definition. Is it an improvement over the current definitions? Should the Commission provide guidance regarding the level of complexity that is typical for an offense of that nature? If so, what type of guidance should the Commission

provide? Further, should the Commission provide additional guidance on what should be considered “advanced or emerging technologies” or on how such technologies must be used for purposes of applying the proposed definition? If so, what guidance should the Commission provide?

Additionally, Option 2 of the proposed amendment would bracket the possibility of maintaining the examples of “sophisticated” conduct provided in the Commentary to § 2B1.1, § 2S1.1, § 2T1.1, § 2T1.4, and § 2T3.1. If the Commission amends the definition of “sophisticated” conduct, should the Commission maintain these examples? If not, should the Commission add additional factors or other provisions to the definition of “sophisticated” conduct?

8. Miscellaneous

Synopsis of Proposed Amendment: This proposed amendment responds to recently enacted legislation and a miscellaneous issue. See U.S. Sent’g Comm’n, “Notice of Final Priorities,” 90 FR 39263 (Aug. 14, 2025) (identifying as a priority “[i]mplementation of any legislation warranting Commission action” and “[c]onsideration of other miscellaneous issues coming to the Commission’s attention”).

The proposed amendment contains five parts (Parts A through E). The Commission is considering whether to promulgate any or all these parts, as they are not mutually exclusive.

Part A responds to the Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on websites and Networks Act (“TAKE IT DOWN Act”), Public Law 119–12 (2025), by amending Appendix A (Statutory Index) and the Commentary to § 2A6.1 (Threatening or Harassing Communications; Hoaxes; False Liens). An issue for comment is provided.

Part B responds to the Fentanyl Eradication and Narcotics Deterrence Off Fentanyl Act (“FEND Off Fentanyl Act”), Public Law 118–50 (2024), by amending Appendix A and § 2S1.3 (Structuring Transactions to Evade Reporting Requirements; Failure to Report Cash or Monetary Transactions; Failure to File Currency and Monetary Instrument Report; Knowingly Filing False Reports; Bulk Cash Smuggling; Establishing or Maintaining Prohibited Accounts). An issue for comment is provided.

Part C responds to the Protecting Americans’ Data from Foreign Adversaries Act, Public Law 118–50 (2024), by amending Appendix A and § 2H3.1 (Interception of Communications; Eavesdropping;

Disclosure of Certain Private or Protected Information). An issue for comment is provided.

Part D responds to the Foreign Extortion Prevention Technical Corrections Act, Public Law 118–78 (2024), by amending Appendix A and § 2C1.1 (Offering, Giving, Soliciting, or Receiving a Bribe; Extortion Under Color of Official Right; Fraud Involving the Deprivation of the Intangible Right to Honest Services of Public Officials; Conspiracy to Defraud by Interference with Governmental Functions). An issue for comment is provided.

Part E would amend the Appendix A reference for 18 U.S.C. 1348, dealing with securities and commodities fraud, by referencing the statute to § 2B1.4 (Insider Trading), while also maintaining the current reference to § 2B1.1 (Theft, Property Destruction, and Fraud).

(A) TAKE IT DOWN Act

Synopsis of Proposed Amendment: Part A of the proposed amendment responds to the Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on websites and Networks Act (“TAKE IT DOWN Act”), Public Law 119–12 (2025).

The act added new offenses to section 223 (Obscene or harassing telephone calls) of title 47, United States Code. The new offenses relate to the disclosure of nonconsensual visual depictions and digital forgeries involving both adults and minors, at subsections 223(h)(2) and (h)(3). Those subsections now proscribe:

- Using an interactive computer service to knowingly publish an intimate visual depiction of (1) an identifiable adult if certain conditions are met, or (2) an identifiable minor under 18 years old with intent to abuse, humiliate, harass, or degrade the minor or with intent to arouse or gratify the sexual desire of any person.
- Using an interactive computer service to knowingly publish a digital forgery of (1) an adult if certain conditions are met, or (2) a minor under 18 years old with intent to abuse, humiliate, harass, or degrade the minor or with intent to arouse or gratify the sexual desire of any person.

Sections 223(h)(2)(A) and (h)(3)(A), involving depictions and digital forgeries of an adult, have a statutory maximum of two years. Sections 223(h)(2)(B) and (h)(3)(B), involving depictions or digital forgeries of a minor, have a statutory maximum of three years.

The act also included two new offenses at subsection 223(h)(6) related to threats to use an interactive computer

service to publish either intimate visual depictions or digital forgeries involving adults and minors. The statutory maximum is as follows: two years for a threat involving an intimate visual depiction of an adult (47 U.S.C. 223(h)(6)(A)); three years for a threat involving an intimate visual depiction of a minor (47 U.S.C. 223(h)(6)(A)); 18 months for a threat involving a digital forgery of an adult (47 U.S.C. 223(h)(6)(B)(i)); and 30 months for a threat involving a digital forgery of a minor (47 U.S.C. 223(h)(6)(B)(ii)).

Currently, offenses involving harassment, abuse, and threatening conduct under 47 U.S.C. 223 are referenced in Appendix A (Statutory Index) to § 2A6.1 (Threatening or Harassing Communications; Hoaxes; False Liens). Given the similar nature of the conduct, Part A of the proposed amendment would amend Appendix A to reference the new offenses under 47 U.S.C. 223 to § 2A6.1. It would also amend the Commentary to § 2A6.1 to reflect the new references.

An issue for comment is also provided.

Proposed Amendment:

Appendix A (Statutory Index) is amended by inserting before the line referenced to 47 U.S.C. 409(m) the following new line references:

“47 U.S.C. 223(h)(2)(A) 2A6.1
47 U.S.C. 223(h)(2)(B) 2A6.1
47 U.S.C. 223(h)(3)(A) 2A6.1
47 U.S.C. 223(h)(3)(B) 2A6.1
47 U.S.C. 223(h)(6)(A) 2A6.1
47 U.S.C. 223(h)(6)(B)(i) 2A6.1
47 U.S.C. 223(h)(6)(B)(ii) 2A6.1”.

The Commentary to § 2A6.1 captioned “Statutory Provisions” is amended by striking “47 U.S.C. 223(a)(1)(C)–(E)” and inserting “47 U.S.C. 223(a)(1)(C)–(E), (h)(2)(A), (h)(2)(B), (h)(3)(A), (h)(3)(B), (h)(6)(A), (h)(6)(B)(i)–(ii)”.

Issue for Comment

1. The Commission seeks comment on whether the proposed references are appropriate and whether any additional changes to the guidelines are required to account for the new criminal offenses created by the Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on websites and Networks Act (“TAKE IT DOWN Act”), Public Law 119–12 (2025). Would it be more appropriate to reference some or all of the new offenses to a different guideline, such as § 2B3.3 (Blackmail and Similar Forms of Extortion) or § 2G3.1 (Importing, Mailing, or Transporting Obscene Matter; Transferring Obscene Matter to a Minor; Misleading Domain Names)?

(B) Fentanyl Eradication and Narcotics Deterrence Off Fentanyl Act

Synopsis of Proposed Amendment:

Part B responds to the Fentanyl Eradication and Narcotics Deterrence Off Fentanyl Act (“FEND Off Fentanyl Act”), Public Law 118–50 (2024). The Act creates two new offenses, 21 U.S.C. 2313a and 2354, to apply economic and other financial sanctions to the international trafficking of fentanyl, its precursors, and other related opioids.

Title I of the Fend Off Fentanyl Act includes sections 2353 and 2354 to a new chapter 28A (Fentanyl Eradication and Narcotics Deterrence off Fentanyl) to title 21 (Food and Drugs) of the United States Code. Section 2353 (Imposition of sanctions with respect to fentanyl trafficking by transnational criminal organizations) requires the President to impose sanctions on foreigners knowingly involved in: (1) significant trafficking of fentanyl, its precursors, or other related opioids, including by transnational criminal organizations; or (2) significant activities of a transnational criminal organization that relate to trafficking such substances. The provided sanctions are those authorized by the International Emergency Economic Powers Act (“IEEPA”).

Section 2354 (Penalties; waivers; exceptions) provides that any person who violates or causes a violation of the section, and attempts or conspires to violate, any regulation, license, or order issued to carry out the section is subject to the civil and criminal penalties set forth in 50 U.S.C. 1705 of the IEEPA “to the same extent as a person who commits an unlawful act described in subsection (a) of that section.” Section 1705 prohibits willfully violating, attempting or conspiring to violate, or causing a violation of any license, order, regulation, or prohibition issued under the IEEPA. The statutory maximum for a criminal violation of the IEEPA at section 1705(c) is 20 years.

Title II of the FEND Off Fentanyl Act added a new provision to chapter 28 (Sanctions with Respect to Foreign Trafficking of Illicit Synthetic Opioids) of title 21 of the United States Code. Section 2313a (Designation of transactions of sanctioned persons as of primary money laundering concern) provides the Secretary of the Treasury authority to issue orders or regulations for certain domestic financial institutions and agencies. Specifically, if the Secretary determines financial institutions operating outside the United States, or certain classes of transactions or types of accounts within a jurisdiction outside the United States,

is “of primary money laundering concern” in connection with trafficking of illicit opioids, he is authorized, by order, regulation, or otherwise, to: (1) require domestic financial institutions and agencies to take special measures as provided in the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, and found at 31 U.S.C. 5318A; or (2) prohibit or impose conditions upon, certain transmittal of funds by the financial institution or agency. A finding that a jurisdiction, financial institution, account, or transaction is “of primary money laundering concern” is as determined under section 5318A, including whether: (1) organized criminal groups, international terrorists, or entities involved in the proliferation of weapons of mass destruction or missiles have transacted business in a certain jurisdiction; (2) a jurisdiction offers bank secrecy or special regulatory advantages to nonresidents; and (3) a jurisdiction is an offshore banking or secrecy haven.

The statutory maximum for violating any order, regulation, special measure, or other requirement imposed under section 2313a(d) is five years for a simple violation, as provided in 31 U.S.C. 5322 (Criminal Penalties). The statutory maximum is ten years, if the offense was committed “while violating another law of the United States or as part of a pattern of any illegal activity involving more than \$100,000 in a 12-month period.”

Part B of the proposed amendment would amend Appendix A (Statutory Index) to reference 21 U.S.C. 2313a and 2354 to § 2S1.3 (Structuring Transactions to Evade Reporting Requirements; Failure to Report Cash or Monetary Transactions; Failure to File Currency and Monetary Instrument Report; Knowingly Filing False Reports; Bulk Cash Smuggling; Establishing or Maintaining Prohibited Accounts) because the offenses concern monetary sanctions related to the illicit transnational trafficking of fentanyl, its precursors, and other related opioids.

Part B of the proposed amendment would also amend the commentary to § 2S1.3 to reflect the reference.

An issue for comment is also provided.

Proposed Amendment:

Appendix A (Statutory Index) is amended by inserting before the line referenced to 22 U.S.C. 1980(g) the following new line references:

“21 U.S.C. 2313a § 2S1.3
21 U.S.C. 2354 § 2S1.3”.

The Commentary to § 2S1.3 captioned “Statutory Provisions” is amended by striking “18 U.S.C. 1960 (but only with

respect to unlicensed money transmitting businesses as defined in 18 U.S.C. 1960(b)(1)(A) and (B));” and inserting “18 U.S.C. 1960 (but only with respect to unlicensed money transmitting businesses as defined in 18 U.S.C. 1960(b)(1)(A) and (B)); 21 U.S.C. 2313a, 2354;”.

Issue for Comment

1. The Commission seeks comment on whether the proposed references are appropriate and whether any additional changes to the guidelines are required to account for the new criminal offenses created by the Fentanyl Eradication and Narcotics Deterrence Off Fentanyl Act (“FEND Off Fentanyl Act”), Public Law 118–50 (2024).

(C) Protecting Americans’ Data From Foreign Adversaries Act

Synopsis of Proposed Amendment: Part C of the proposed amendment responds to the Protecting Americans’ Data from Foreign Adversaries Act, Public Law 118–50 (2024), by amending Appendix A and § 2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information). The act codified a new offense at 15 U.S.C. 9901 prohibiting the transfer of personally identifiable sensitive data of United States individuals to foreign adversaries.

Section 9901 (Prohibition on transfer of personally identifiable sensitive data of United States individuals to foreign adversaries) prohibits data brokers from selling, licensing, trading, disclosing, or providing access to personally identifiable sensitive data of an individual of the United States to any foreign adversary country or any entity controlled by a foreign adversary.

Section 9901(b)(2)(B) provides that the penalties for a violation are the same as provided in the Federal Trade Commission Act (15 U.S.C. 41–58). Section 50 (Offenses and penalties) of title 15 provides, in turn, a statutory maximum of one year, for anyone who refuses to attend, testify or answer any lawful inquiry or produce documentary evidence “in obedience to an order of a district court . . . directing compliance with the subpoena or lawful requirement” of the Federal Trade Commission, and for officers or employees of the Commission who make any information obtained by the Commission public without authority. Section 50 also provides a statutory maximum of three years, for willfully making any false entry or statement of fact in certain reports, accounts or records of any person, partnership, or corporation subject to the Act, or removing from the jurisdiction or

mutilitating, altering, or otherwise falsifying any documentary evidence.

Part C of the proposed amendment would amend Appendix A (Statutory Index) to reference 15 U.S.C. 9901 to § 2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information) because the prohibited conduct appears most similar to the offenses currently referenced to that guideline.

Part C of the proposed amendment would also amend the commentary to § 2H3.1 to reflect the reference.

An issue for comment is also provided.

Proposed Amendment:

Appendix A (Statutory Index) is amended by inserting before the line referenced to 16 U.S.C. 114 the following new line reference:

“15 U.S.C. 9901 2H3.1”.

The Commentary to § 2H3.1 captioned “Statutory Provisions” is amended by striking “8 U.S.C. 1375a(d)(5)(B)(i), (ii);” and inserting “8 U.S.C. 1375a(d)(5)(B)(i), (ii); 15 U.S.C. 9901;”.

Issue for Comment

1. The Commission seeks comment on whether the proposed references are appropriate and whether any additional changes to the guidelines are required to account for the new criminal offenses created by the Protecting Americans’ Data from Foreign Adversaries Act, Public Law 118–50 (2024).

(D) Foreign Extortion Prevention Technical Corrections Act

Synopsis of Proposed Amendment:

Part D of the proposed amendment responds to the Foreign Extortion Prevention Technical Corrections Act, Public Law 118–78 (2024).

The Foreign Extortion Prevention Technical Corrections Act repealed and replaced the Foreign Extortion Prevention Act, which in 2023 established criminal liability for foreign officials who solicit or accept bribes from United States entities or while within United States territory. By criminalizing the “demand side” of bribery by foreign officials, the Act was a new counterpart to the Foreign Corrupt Practices Act, which criminalizes the “supply side” by prohibiting the paying of bribes to foreign officials to influence an act or decision of such official in his official capacity, at 15 U.S.C. 78dd–2 and 78dd–3.

The Foreign Extortion Prevention Act had added subsection 201(f) (Bribery of public officials and witnesses) to title 18 of the United States Code. Section 201(f) prohibited foreign officials (or those

selected to be foreign officials) from corruptly demanding, receiving, or accepting anything of value from any “person” while located in the United States, or from a “domestic concern” (as those terms are defined in sections 78dd–2 and 78dd–3 of the Foreign Corrupt Practices Act), or from an issuer, in return for being influenced or induced, or conferring any improper advantage in connection with obtaining or retaining business for or with any person. The Foreign Extortion Prevention Technical Corrections Act replaced subsection 201(f) with a substantively similar prohibition against bribery by foreign officials, at a new section 1352 (Demands by foreign officials for bribes) of title 18 of the United States Code. Both the repealed subsection 201(f) and section 1352 have a statutory maximum of 15 years.

Part D of the proposed amendment would amend Appendix A (Statutory Index) to reference 18 U.S.C. 1352 to § 2C1.1 (Offering, Giving, Soliciting, or Receiving a Bribe; Extortion Under Color of Official Right; Fraud Involving the Deprivation of the Intangible Right to Honest Services of Public Officials; Conspiracy to Defraud by Interference with Governmental Functions), because the complementary bribery offenses under the Foreign Corrupt Practices Act at 15 U.S.C. 78dd–2 and 78dd–3 are referenced to § 2C1.1.

Part D of the proposed amendment would also amend the commentary to § 2C1.1 to reflect the reference.

An issue for comment is also provided.

Proposed Amendment:

Appendix A (Statutory Index) is amended by inserting before the line referenced to 18 U.S.C. 1361 the following new line reference:

“18 U.S.C. 1352 2C1.1”.

The Commentary to § 2C1.1 captioned “Statutory Provisions” is amended by striking “18 U.S.C. 201(b)(1), (2), 226, 227, 371 (if conspiracy to defraud by interference with governmental functions), 872, 1341 (if the scheme or artifice to defraud was to deprive another of the intangible right of honest services of a public official), 1342 (if the scheme or artifice to defraud was to deprive another of the intangible right of honest services of a public official), 1343 (if the scheme or artifice to defraud was to deprive another of the intangible right of honest services of a public official), 1951” and inserting “18 U.S.C. 201(b)(1), (2), 226, 227, 371 (if conspiracy to defraud by interference with governmental functions), 872, 1341 (if the scheme or artifice to defraud was to deprive another of the intangible right of honest services of a public official),

1342 (if the scheme or artifice to defraud was to deprive another of the intangible right of honest services of a public official), 1343 (if the scheme or artifice to defraud was to deprive another of the intangible right of honest services of a public official), 1352, 1951”.

Issue for Comment

1. The Commission seeks comment on whether the proposed references are appropriate and whether any additional changes to the guidelines are required to account for the new criminal offenses created by the Foreign Extortion Prevention Technical Corrections Act, Public Law 118–78 (2024).

(E) Securities and Commodities Fraud

Synopsis of Proposed Amendment: Part E of the proposed amendment would amend the reference for 18 U.S.C. 1348, dealing with securities and commodities fraud, in Appendix A (Statutory Index). Section 1348 prohibits the execution of a scheme or artifice (1) to defraud any person in connection with any commodity for future delivery, any option on a commodity for future delivery, or any security of certain issues, or (2) to fraudulently obtain any money or property in connection with the purchase or sale of any commodity for future delivery, any option on a commodity for future delivery, or any security of certain issues.

Currently, offenses under 18 U.S.C. 1348 are referenced in Appendix A to § 2B1.1 (Theft, Property Destruction, and Fraud). Section 2B1.1(b)(1) provides an enhancement under the loss table based on the amount of loss involved in the offense. However, it has been brought to the Commission’s attention that, for some 18 U.S.C. 1348 offenses, loss does not adequately account for the defendant’s true culpability in the offense. Instead, such offenses are more similar in nature to those insider trading offenses that are referenced to § 2B1.4 (Insider Trading), which provides an enhancement based on the amount of gain resulting from the offense.

To respond to this concern, Part E of the proposed amendment would amend Appendix A to reference 18 U.S.C. 1348 to § 2B1.4 (Insider Trading), while also maintaining the current reference to § 2B1.1.

Part E of the proposed amendment would also amend the commentary to § 2B1.4 to reflect the reference.

Proposed Amendment:

Appendix A (Statutory Index) is amended in the line referenced to 18 U.S.C. 1348 by striking “2B1.1” and inserting “2B1.1, 2B1.4”.

The Commentary to § 2B1.4 captioned “Statutory Provisions” is amended by striking “15 U.S.C. 78j,” and inserting “15 U.S.C. 78j, 18 U.S.C. 1348.”.

9. Technical

Synopsis of Proposed Amendment:

This proposed amendment would make technical and other non-substantive changes to the *Guidelines Manual*.

First, the proposed amendment makes clerical changes to several guidelines to replace references to the “Bureau of Prisons” with more accurate references to the “Federal Bureau of Prisons.” It makes changes to the following guidelines: § 1B1.13 (Reduction in Term of Imprisonment Under 18 U.S.C. 3582(c)(1)(A) (Policy Statement)); § 5E1.2 (Fines for Individual Defendants); § 5F1.7 (Shock Incarceration Program (Policy Statement)); § 5F1.8 (Intermittent Confinement); and § 5G1.3 (Imposition of a Sentence on a Defendant Subject to an Undischarged Term of Imprisonment or Anticipated State Term of Imprisonment).

Second, the proposed amendment makes technical changes to update the references to the Communications Act of 1934 in the context of the definition of the term “interactive computer service,” which is used by several guidelines. It makes changes to the following guidelines: § 2A3.1 (Criminal Sexual Abuse; Attempt to Commit Criminal Sexual Abuse); § 2A3.2 (Criminal Sexual Abuse of a Minor Under the Age of Sixteen Years (Statutory Rape) or Attempt to Commit Such Acts); § 2A3.3 (Criminal Sexual Abuse of a Ward or Attempt to Commit Such Acts; Criminal Sexual Abuse of an Individual in Federal Custody); § 2A3.4 (Abusive Sexual Contact or Attempt to Commit Abusive Sexual Contact); § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy); § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy); § 2D1.12 (Unlawful Possession, Manufacture, Distribution, Transportation, Exportation, or Importation of Prohibited Flask, Equipment, Chemical, Product, or Material; Attempt or Conspiracy); § 2G1.3 (Promoting a Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Transportation of Minors to Engage in a Commercial Sex Act or Prohibited Sexual Conduct; Travel to Engage in Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Sex Trafficking of Children; Use of Interstate Facilities to Transport

Information about a Minor); § 2G2.1 (Sexually Exploiting a Minor by Production of Sexually Explicit Visual or Printed Material; Custodian Permitting Minor to Engage in Sexually Explicit Conduct; Advertisement for Minors to Engage in Production); § 2G2.2 (Trafficking in Material Involving the Sexual Exploitation of a Minor; Receiving, Transporting, Shipping, Soliciting, or Advertising Material Involving the Sexual Exploitation of a Minor with Intent to Traffic; Possessing Material Involving the Sexual Exploitation of a Minor); § 2G2.6 (Child Exploitation Enterprises); § 2G3.1 (Importing, Mailing, or Transporting Obscene Matter; Transferring Obscene Matter to a Minor; Misleading Domain Names); and § 2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information). The proposed amendment also makes other non-substantive changes to some of these guidelines to provide stylistic consistency in how subdivisions are designated and to correct some typographical errors.

Third, the proposed amendment makes technical changes to § 7B1.4 (Term of Imprisonment—Probation (Policy Statement)) and § 7C1.5 (Term of Imprisonment—Supervised Release (Policy Statement)), to clarify statutory references regarding a court’s authority to provide an exception to mandatory revocation of probation or supervised release in the case of a defendant who fails a drug test.

Fourth, the proposed amendment makes a technical change to § 7C1.1 (Classification of Violations (Policy Statement)) to correct an inaccurate reference to “four” grades of supervised release violations.

Fifth, the proposed amendment makes technical changes to § 8A1.2 (Application Instructions—Organizations) and § 8C2.8 (Determining the Fine Within the Range (Policy Statement)), to replace references to the “guideline range” with more accurate references to the “guideline fine range.”

Finally, the proposed amendment would make clerical changes to Appendix A (Statutory Index) to reflect the editorial reclassification of certain sections in the United States Code.

Proposed Amendment:

Section 1B1.13(a) is amended by striking “Bureau of Prisons” and inserting “Federal Bureau of Prisons”.

Section 1B1.13(b)(4) is amended by striking “Bureau of Prisons” and inserting “Federal Bureau of Prisons”.

Section 2A3.1(b)(4)(C) is amended by striking “subdivisions (A) and (B)” and inserting “subparagraphs (A) and (B)”.

The Commentary to § 2A3.1 captioned “Application Notes” is amended in Note 1, in the paragraph that begins “‘Interactive computer service’ has”, by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

The Commentary to § 2A3.2 captioned “Application Notes” is amended in Note 1, in the paragraph that begins “‘Interactive computer service’ has”, by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

The Commentary to § 2A3.3 captioned “Application Notes” is amended in Note 1, in the paragraph that begins “‘Interactive computer service’ has”, by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

The Commentary to § 2A3.4 captioned “Application Notes” is amended in Note 1, in the paragraph that begins “‘Interactive computer service’ has”, by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

The Commentary to § 2D1.1 captioned “Application Notes” is amended in Note 13 by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

The Commentary to § 2D1.11 captioned “Application Notes” is amended—

in Note 1(A) by striking “subdivision (B)” and inserting “subparagraph (B)”;

in Note 5 by striking “section 230(e)(2)” and inserting “section 230(f)(2)”;

and in Note 8 by striking “involved unlawfully manufacturing a controlled substance or attempting to manufacture” and inserting “involved unlawfully manufacturing a controlled substance, or attempting to manufacture”.

The Commentary to § 2D1.12 captioned “Application Notes” is amended—

in Note 1 by striking “involved unlawfully manufacturing a controlled substance or attempting to manufacture” and inserting “involved unlawfully manufacturing a controlled substance, or attempting to manufacture”;

and in Note 3 by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

The Commentary to § 2G1.3 captioned “Application Notes” is amended in Note 1, in the paragraph that begins “‘Interactive computer service’ has”, by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

The Commentary to § 2G2.1 captioned “Application Notes” is amended in Note 1, in the paragraph that begins “‘Interactive computer service’ has”, by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

Section 2G2.2(b)(3)(D) is amended by striking “subdivision (E)” and inserting “subparagraph (E)”.

Section 2G2.2(b)(3)(F) is amended by striking “subdivisions (A) through (E)” and inserting “subparagraphs (A) through (E)”.

The Commentary to § 2G2.2 captioned “Application Notes” is amended in Note 1—

in the paragraph that begins “‘Interactive computer service’ has” by striking “section 230(e)(2)” and inserting “section 230(f)(2)”;

and in the paragraph that begins “‘Sexual abuse or exploitation’ means” by striking “subdivisions (A) or (B)” and inserting “subparagraphs (A) or (B)”.

The Commentary to § 2G2.2 captioned “Background” is amended by striking “subdivision (7)” and inserting “paragraph (7)”.

The Commentary to § 2G2.6 captioned “Application Notes” is amended in Note 1, in the paragraph that begins “‘Interactive computer service’ has”, by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

Section 2G3.1(b)(1)(D) is amended by striking “subdivision (E)” and inserting “subparagraph (E)”.

Section 2G3.1(b)(1)(F) is amended by striking “subdivisions (A) through (E)” and inserting “subparagraphs (A) through (E)”.

The Commentary to § 2G3.1 captioned “Application Notes” is amended in Note 1, in the paragraph that begins “‘Interactive computer service’ has”, by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

The Commentary to § 2H3.1 captioned “Application Notes” is amended in Note 4, in the paragraph that begins “‘Interactive computer service’ has”, by striking “section 230(e)(2)” and inserting “section 230(f)(2)”.

The Commentary to § 5E1.2 captioned “Application Notes” is amended in Note 6 by striking “Bureau of Prisons” and inserting “Federal Bureau of Prisons”.

The Commentary to § 5F1.7 captioned “Background” is amended in the paragraph that begins “In 1990,” by striking “Bureau of Prisons” each place it appears and inserting “Federal Bureau of Prisons”.

The Commentary to § 5F1.8 captioned “Application Note” is amended in Note 1 by striking “Bureau of Prisons” and inserting “Federal Bureau of Prisons”.

Section 5G1.3(b)(1) is amended by striking “Bureau of Prisons” and inserting “Federal Bureau of Prisons”.

The Commentary to § 5G1.3 captioned “Application Notes” is amended in Note 2(C) by striking “Bureau of Prisons” and inserting “Federal Bureau of Prisons”.

The Commentary to § 7B1.4 captioned “Application Notes” is amended in Note 3 by striking “18 U.S.C. 3563(a)” and inserting “18 U.S.C. 3563(e)”.

Section 7C1.1(a) is amended by striking “four grades” and inserting “three grades”.

The Commentary to § 7C1.5 captioned “Application Notes” is amended in Note 3 by striking “The availability” and inserting “In the case of a defendant who fails a drug test, the availability”.

Section 8A1.2(b)(2)(G) is amended by striking “guideline range” and inserting “guideline fine range”.

Section 8A1.2(b)(4) is amended by striking “guideline range” and inserting “guideline fine range”.

Section 8C2.8(a) is amended by striking “guideline range” and inserting “guideline fine range”.

The Commentary to § 8C2.8 captioned “Application Notes” is amended in Note 2 by striking “guideline range” and inserting “guideline fine range”.

Appendix A (Statutory Index) is amended—

in the line referenced to 7 U.S.C. 6b(A) by striking “§ 6b(A)” and inserting “§ 6b(a)”;

in the line referenced to 7 U.S.C. 6b(B) by striking “§ 6b(B)” and inserting “§ 6b(b)”;

in the line referenced to 7 U.S.C. 6b(C) by striking “§ 6b(C)” and inserting “§ 6b(c)”;

by inserting before the line referenced to 46 U.S.C. App. § 1707a(f)(2) the following line references:

“46 U.S.C. 70503 2D1.1

46 U.S.C. 70506(a) 2D1.1

46 U.S.C. 70506(b) 2D1.1”;

and by striking the following line references:

“46 U.S.C. App. § 1903(a) 2D1.1

46 U.S.C. App. § 1903(g) 2D1.1

46 U.S.C. App. § 1903(j) 2D1.1”.

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Part III

The President

Presidential Determination No. 2026–01 of November 5, 2025—Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Memorandum of November 20, 2025—Delegation of Authority Under Section 208(d)(6) of the Compact of Free Association Amendments Act of 2024

Presidential Determination No. 2026–02 of November 21, 2025—Presidential Determination With Respect to the Efforts of Foreign Governments Regarding Trafficking in Persons

Proclamation 10998—Restricting and Limiting the Entry of Foreign Nationals To Protect the Security of the United States

Presidential Documents

Title 3—

Presidential Determination No. 2026–01 of November 5, 2025

The President

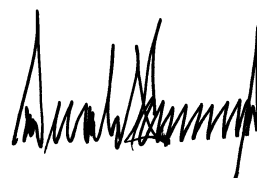
Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Memorandum for the Secretary of State[, the Secretary of the Treasury[, and] the Secretary of Energy

By the authority vested in me as President by the Constitution and the laws of the United States, after carefully considering the reports submitted to the Congress by the Energy Information Administration including the report submitted in October 2025, and other relevant factors, including global economic conditions, the level of spare capacity, and the availability of strategic reserves, I determine, pursuant to section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012, Public Law 112–81, and consistent with prior determinations, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

I will continue to monitor this situation closely.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, November 5, 2025

Presidential Documents

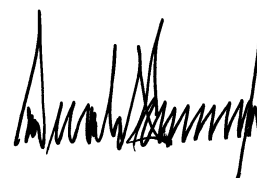
Memorandum of November 20, 2025

Delegation of Authority Under Section 208(d)(6) of the Compact of Free Association Amendments Act of 2024

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, hereby delegate to the Secretary of State the authority vested in the president to submit to the Congress the report required under section 208(d)(6) Of the Compact of Free Association Amendments Act of 2024.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, November 20, 2025

Presidential Documents

Presidential Determination No. 2026–02 of November 21, 2025

Presidential Determination With Respect to the Efforts of Foreign Governments Regarding Trafficking in Persons

Memorandum for the Secretary of State

Consistent with section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) (the “Act”), as amended, I hereby determine as follows:

As provided for in section 110(d)(1)(A)(i) of the Act, that the United States will not provide nonhumanitarian, nontrade-related assistance to the Governments of Afghanistan, Chad, Iran, South Sudan, and Venezuela for Fiscal Year (FY) 2026 until such governments comply with the Act’s minimum standards or make significant efforts to bring themselves into compliance with the minimum standards;

As provided for in section 110(d)(1)(A)(ii) of the Act, that the United States will not provide nonhumanitarian, nontrade-related assistance to, or allow funding for participation in educational and cultural exchange programs by officials or employees of, the Governments of Belarus, Burma, the People’s Republic of China (PRC), Cuba, the Democratic People’s Republic of Korea (DPRK), Eritrea, Macau (Special Administrative Region of the PRC), Nicaragua, and Russia for FY 2026 until such governments comply with the Act’s minimum standards or make significant efforts to bring themselves into compliance with the minimum standards;

As provided for in section 110(d)(1)(B) of the Act, I hereby instruct the United States Executive Director of each multilateral development bank, as defined in the Act, and of the International Monetary Fund to vote against and use best efforts to deny any loan or other utilization of the funds of the respective institution (other than for humanitarian assistance; for trade-related assistance; or for development assistance that directly addresses basic human needs, is not administered by the government of such country, and confers no benefit to that government) for the Governments of Belarus, Burma, the PRC, Cuba, the DPRK, Eritrea, Iran, Macau (Special Administrative Region of the PRC), Nicaragua, Russia, South Sudan, and Venezuela for FY 2026 until such governments comply with the Act’s minimum standards or make significant efforts to bring themselves into compliance with the minimum standards;

Consistent with section 110(d)(4) of the Act, I determine that the provision of all nonhumanitarian, nontrade-related foreign assistance programs, projects, activities, and funding for educational and cultural exchange programs described in sections 110(d)(1)(A) and 110(d)(1)(B) of the Act to Cambodia, Laos, Papua New Guinea, Sudan, and Syria would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that providing the assistance described in section 110(d)(1)(B) of the Act to Afghanistan and Chad would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver with respect to Belarus, Eritrea, Macau (Special Administrative Region

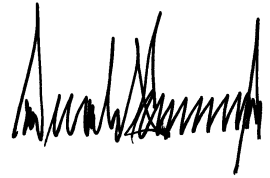
of the PRC), and Russia to allow funding for educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, with respect to South Sudan, I determine that a partial waiver of the restriction described in section 110(d)(1)(A)(i) of the Act to allow for Global Health Programs assistance would promote the purposes of the Act or is otherwise in the national interest of the United States; and

Consistent with section 110(d)(4) of the Act, with respect to Venezuela, I determine that a partial waiver of the restriction described in section 110(d)(1)(A)(i) of the Act to allow for all nonhumanitarian, nontrade-related foreign assistance programs, projects, and activities, other than Peacekeeping Operations, Foreign Military Financing, International Military Education and Training, Foreign Military Sales, and Excess Defense Articles, would promote the purposes of the Act or is otherwise in the national interest of the United States.

In addition, with respect to the Government of Sint Maarten, consistent with the United States Government's firm stand against human trafficking, and until such government takes steps consistent with compliance with the minimum standards of the Act or makes significant efforts to do so, I hereby: (i) direct that executive departments and agencies shall not provide nonhumanitarian, nontrade-related foreign assistance, as described in section 110(d)(1)(A) of the Act, to the Government of Sint Maarten; (ii) instruct the United States Executive Director of each multilateral development bank, as defined in the Act, and of the International Monetary Fund to vote against and use best efforts to deny any loan or other utilization of the funds of the respective institution (other than for humanitarian assistance; for trade-related assistance; or for development assistance that directly addresses basic human needs, is not administered by such government, and confers no benefit to that government) to Sint Maarten, as described in section 110(d)(1)(B) of the Act; and (iii) direct that funding for participation by officials or employees of the Government of Sint Maarten in educational and cultural exchange programs shall continue to be permitted in FY 2026 consistent with the foreign policy and all applicable laws of the United States.

You are authorized and directed to submit this determination, the certification required by section 110(e) of the Act, and the Memorandum of Justification, on which I have relied, to the Congress, and to publish this determination in the *Federal Register*.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

THE WHITE HOUSE,
Washington, November 21, 2025

Presidential Documents

Proclamation 10998 of December 16, 2025

Restricting and Limiting the Entry of Foreign Nationals To Protect the Security of the United States

By the President of the United States of America

A Proclamation

During my first Administration, I restricted the entry of certain foreign nationals into the United States to prevent national security and public safety threats from reaching our borders. The Supreme Court upheld these restrictions. I reinstated these successful policies in Executive Order 14161 of January 20, 2025 (Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats), and Proclamation 10949 of June 4, 2025 (Restricting the Entry of Foreign Nationals To Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats).

It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks, threaten our national security and public safety, incite hate crimes, or otherwise exploit the immigration laws for malevolent purposes.

The United States must exercise extreme vigilance during the visa-issuance and immigration processes to identify, prior to their admission or entry into the United States, foreign nationals who intend to harm Americans or our national interests. The United States Government must ensure that admitted aliens do not intend to threaten its citizens; undermine or destabilize its culture, government, institutions, or founding principles; or advocate for, aid, or support designated foreign terrorists or other threats to our national security.

In order to protect our Nation, as directed in Executive Order 14161, the Secretary of State, in coordination with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, identified countries throughout the world for which screening and vetting information was so deficient as to warrant a full or partial suspension of the admission of nationals from those countries pursuant to section 212(f) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(f). Accordingly, in Proclamation 10949, I restricted the entry of foreign nationals into the United States from countries with deficient screening and vetting information to protect the national security and public safety of the United States and its people. The proclamation also directed the United States Government to immediately engage countries identified in the proclamation on measures that must be taken to comply with the screening, vetting, immigration, and security requirements of the United States.

Despite those engagements, most of the countries identified in Proclamation 10949, as well as others, continue to exhibit woeful inadequacies in screening, vetting, and provision of information. At least one country lacks mechanisms in hospitals to ensure births are reported, and widespread corruption, combined with a general lack of vetting and poor recordkeeping, result in any non-citizen being able to obtain any civil document from that country, particularly if that person is willing to pay a fee or engage an individual that specializes in assisting in such fraud. In that same country, law enforcement records are not maintained with the accuracy or consistency necessary to provide representations of individuals' criminal histories to the United

States Government. In another country, civil documents like marriage licenses and birth certificates are handwritten and stamped on regular paper, making them highly susceptible to alteration, and there is a fraudulent document market that produces all types of falsified records, making written corroboration of any visa application practically impossible. In yet another country, criminal records are widely unreliable and inaccessible. And in another, United States visas are used as a tool for illicit transborder movement of assets by corrupt government officials and organized criminal groups. Corruption in another country even extends to the national school system, which has provided falsified diplomas and grade information in the past to fraudsters who have tried to obtain student visas and eligibility for large athletic scholarships. The government of another country refuses to provide passport exemplars, undermining the United States Government's ability to detect fraudulent documents. In another country, the population, for the most part, does not formally document life events. This makes effective verification of basic biographical data such as birthdates, marriages, and parentage exceedingly difficult, if not impossible. Such countries warrant continued or new travel restrictions.

Further, after continuing their review, and in light of the experience gained since the issuance of Proclamation 10949 and the reaction of foreign countries to the issuance of that proclamation, the Secretary of State, the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence have identified additional countries that cannot meet basic criteria for identifying their nationals and residents who pose national security and public safety threats and for sharing information with the United States. For example, only 40 percent of one country's territory is under complete government control, and officials there have noted that their ability to securely process, house, or monitor non citizens is constrained. In another country, corruption in various forms is pervasive. Other countries have been subject to successful efforts to overthrow or undermine their governments, with the result that radical terrorist groups operate with minimal, if any, interference from law enforcement, engaging in forced labor, sex trafficking, illegal drug manufacturing and distribution, and other activities that destabilize such countries. And, because of the poor documentation practices and corrupt governments in these countries, there can be little assurance that the foreign nationals from these countries who seek to come to America on immigrant or nonimmigrant visas are not bringing these criminal enterprises with them to the United States.

According to United States law enforcement reporting, foreign nationals from countries named in this proclamation have been involved with crimes that include murder, terrorism, embezzling public funds, human smuggling, human trafficking, and other criminal activity. Many of these countries are ranked in the top third of countries for criminality, and widely unreliable foreign civil documents and lack of authoritative criminal information make it extremely difficult for United States screening and vetting authorities to assess prior criminal activity and other grounds of inadmissibility.

Finally, some of these countries have offered Citizenship by Investment (CBI) without residency, which poses challenges for screening and vetting purposes. As an example, a foreign national from a country that is subject to travel restrictions could purchase CBI from a second country that is not subject to travel restrictions, obtain a passport in the citizenship of that second country, and subsequently apply for a United States visa for travel to the United States, thus evading the travel restrictions on his or her first country. Additionally, United States law enforcement and the Department of State have found that, historically, CBI programs have been susceptible to several risks. These risks include allowing an individual to conceal his or her identity and assets to circumvent travel restrictions or financial or banking restrictions.

Foreign nationals from the countries described above have also exploited the historic generosity of the United States and violated our Nation's immigration laws by not adhering to the terms of their nonimmigrant or immigrant visas. As cited in the Department of Homeland Security (DHS) Entry/Exit Overstay Report, foreign nationals from many countries have high non-immigrant visa overstay rates. These visa overstays and other abuses flagrantly violate United States immigration laws, despite generous incentives offered by my Administration—for example, the ability to self-deport using the CBP Home app. To faithfully uphold United States immigration law, the flow of foreigners from countries with high overstay rates or significant fraud must stop.

In addition, the implementation of Proclamation 10949 counsels narrowing the categorical exceptions described in that proclamation to prevent exploitation by foreign nationals. For example, immigrant visas for family members of individuals in the United States will no longer be a broad categorical exception. As described above, the countries to which this proclamation applies have persistent, chronic vetting deficiencies that impede conclusive admissibility determinations and that are readily exploitable to threaten United States national security and public safety. These deficiencies include poor civil documentation and recordkeeping practices, widespread corruption and fraud, unreliable or inaccessible criminal records, and unreliable government travel documents. These pervasive risks concerning nationals from the covered countries apply with at least equal force to family-based visa applications—which comprise most of the immigrant visa applications from such countries—and potentially with even greater force. Familial ties can serve—and, in the past, have in fact served, based on concrete information provided by United States law enforcement and the Department of State—as unique vectors for fraudulent, criminal, or even terrorist activity through means such as the domestic or international financing of such activity. Broadly excepting most immigrant visa applicants from the countries whose risks and deficiencies most gravely threaten America is inconsistent with protecting our national security and with the purpose of driving greater cooperation and vetting improvements by these specific countries. This is particularly true in light of the large numbers of individuals granted United States immigration status during the prior administration without sufficient documentation and vetting mechanisms in place, whose family members might take advantage of such an exception, just as criminals have taken advantage of family-based visas in the past. Accordingly, I have determined that the risks from the classes of aliens covered by this proclamation cannot be satisfactorily mitigated absent resolution of the predominating country-specific concerns, and any extraordinary cases can be appropriately addressed through the national-interest exceptions provided for in this proclamation and Proclamation 10949.

As a result of these reviews and considerations, I have decided—as described in sections 2 and 3 of this proclamation—to continue to impose and modify the limitations set forth in sections 2 and 3 of Proclamation 10949 on the entry into the United States by certain classes of foreign nationals. Also, I have decided—as described in sections 4 and 5 of this proclamation—to impose the limitations set forth below on the entry into the United States by certain other classes of foreign nationals.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that, absent the measures set forth in this proclamation, the immigrant and nonimmigrant entry into the United States of persons described in sections 2, 3, 4, and 5 of this proclamation would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. Policy and Purpose. (a) It is the policy of the United States to protect its citizens from terrorist attacks and other national security and public safety threats. Screening and vetting protocols and procedures associated with visa adjudications and other immigration processes play a critical role in implementing that policy. These protocols and procedures enhance our ability to detect foreign nationals who may commit, aid, or support acts of terrorism, or otherwise pose a safety threat, and they aid our efforts to prevent such foreign nationals from entering the United States.

(b) Identity-management and information-sharing standards and practices of foreign governments impact the effectiveness of the screening and vetting protocols and procedures of the United States. Foreign governments manage the identity and travel documents of their nationals and residents. They also control the circumstances under which they provide information about their nationals and residents to other governments, including information about known and suspected terrorists and criminals.

It is, therefore, the policy of the United States to take all necessary and appropriate steps to encourage foreign governments to improve their identity-management and information-sharing protocols and procedures and to regularly share their identity and threat information with the screening and vetting systems of the United States.

(c) Proclamation 10949 directed the United States Government to fully restrict and limit the entry of nationals of the following 12 countries: Afghanistan, Burma, Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen. The proclamation directed the United States Government to partially restrict and limit the entry of nationals of the following 7 countries: Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela. Additionally, the proclamation directed the Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, to immediately engage each of the countries identified in the proclamation on measures that must be taken to comply with United States screening, vetting, immigration, and security requirements.

(d) Proclamation 10949 directed the Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, to submit a report to the President, through the Assistant to the President for Homeland Security, describing his assessment and recommending whether any suspensions and limitations imposed by the proclamation should be continued, terminated, modified, or supplemented.

(e) The Secretary of State, with the Assistant to the President for Homeland Security, presented the report described in subsection (d) of this section, recommending that entry restrictions and limitations continue to apply to foreign nationals of several countries. The report also identified additional countries for which vetting and screening information is so deficient as to warrant a full or partial suspension of admission. These recommendations follow the engagement with foreign countries that I directed in Proclamation 10949.

(f) In evaluating the recommendations from the Secretary of State and determining whether and to what extent to impose, or continue to impose, restrictions for each country, I consulted with the Secretary of State, the Secretary of War, the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, appropriate Assistants to the President, and the Director of the Central Intelligence Agency. I considered foreign policy, national security, and counterterrorism goals. I further considered various factors, including each country's screening and vetting capabilities, information-sharing policies, and country-specific risk factors, including whether each country has a significant terrorist presence within its territory, its visa-overstay rate, and its cooperation with accepting back its removable nationals. Each of these factors, including visa-overstay rates, was just one of the factors considered in making the determinations in this proclamation, and the determinations in this proclamation are based on the totality of

the circumstances with respect to each country after a review of all relevant factors.

I also considered the different risks posed by aliens admitted on immigrant visas and those admitted on nonimmigrant visas. Persons admitted on immigrant visas are, or can become, lawful permanent residents of the United States. Such persons admitted on immigrant visas may present national security or public safety concerns that may be distinct from those admitted as nonimmigrants. The United States affords lawful permanent residents more enduring rights than it does to nonimmigrants. Lawful permanent residents are more difficult to remove than nonimmigrants, even after national security or public safety concerns arise, which increases the costs and aggravates the dangers of errors associated with admitting such individuals. And although immigrants are generally subject to more extensive vetting than nonimmigrants, such vetting is far less reliable when the country from which someone seeks to emigrate maintains inadequate identity-management or information-sharing policies or otherwise poses risks to the national security or public safety of the United States.

I reviewed these factors and assessed these goals, with a particular focus on crafting country-specific restrictions. This approach was designed to encourage cooperation with the relevant countries in recognition of each country's unique circumstances. The restrictions and limitations imposed by this proclamation are, in my judgment, necessary to prevent the entry or admission of foreign nationals about whom the United States Government lacks sufficient information to assess the risks they pose to the United States. The restrictions and limitations imposed by this proclamation are necessary: to garner cooperation from foreign governments, including as to reducing overstay rates of their nationals; enforce our immigration laws; and advance other important foreign policy, national security, and counterterrorism objectives. Under the current circumstances, without the restrictions and limitations imposed in this proclamation, the entry or admission of such foreign nationals is detrimental to the national interest.

(g) After reviewing the report described in subsection (d) of this section, and after accounting for the foreign policy, national security, and counterterrorism objectives of the United States, I have determined to continue to fully restrict and limit the entry of nationals of the following 12 countries: Afghanistan, Burma, Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen. These restrictions distinguish between, but apply to both, the entry of immigrants and nonimmigrants.

(h) After reviewing the report described in subsection (d) of this section, and after accounting for the foreign policy, national security, and counterterrorism objectives of the United States, I have determined to fully restrict and limit the entry of nationals of 7 additional countries: Burkina Faso, Laos, Mali, Niger, Sierra Leone, South Sudan, and Syria. These restrictions distinguish between, but apply to both, the entry of immigrants and nonimmigrants. I have also determined to fully restrict and limit the entry of individuals using travel documents issued or endorsed by the Palestinian Authority (PA).

(i) After reviewing the report described in subsection (d) of this section, and after accounting for the foreign policy, national security, and counterterrorism objectives of the United States, I have determined to continue to partially restrict and limit the entry of nationals of the following 4 countries: Burundi, Cuba, Togo, and Venezuela. I have also decided to modify the partial restriction and limitation on the entry of nationals of Turkmenistan. These restrictions distinguish between, but apply to both, the entry of immigrants and nonimmigrants.

(j) After reviewing the report described in subsection (d) of this section, and after accounting for the foreign policy, national security, and counterterrorism objectives of the United States, I have determined to partially restrict and limit the entry of nationals of the following 15 countries: Angola, Antigua and Barbuda, Benin, Cote d'Ivoire, Dominica, Gabon, The Gambia,

Malawi, Mauritania, Nigeria, Senegal, Tanzania, Tonga, Zambia, and Zimbabwe. These restrictions distinguish between, but apply to both, the entry of immigrants and nonimmigrants.

(k) Sections 4 and 5 of this proclamation describe some of the identity-management and information-sharing inadequacies that led me to impose, or continue to impose, the restrictions described in this proclamation. These inadequacies are sufficient to justify my finding that unrestricted entry of nationals from the named countries would be detrimental to the interests of the United States. Publicly disclosing additional details on which I relied in making these determinations, however, would cause serious damage to the national security of the United States, and many such details are classified.

Sec. 2. *Continued Full Suspension of Entry for Nationals of Countries of Identified Concern.* The entry into the United States of nationals of the following countries continues to be suspended and limited as set forth in Proclamation 10949 and herein, subject to the categorical exceptions and case-by-case waivers described in section 6 of this proclamation:

- (a) Afghanistan;
- (b) Burma;
- (c) Chad;
- (d) Republic of the Congo;
- (e) Equatorial Guinea;
- (f) Eritrea;
- (g) Haiti;
- (h) Iran;
- (i) Libya;
- (j) Somalia;
- (k) Sudan; and
- (l) Yemen.

Sec. 3. *Continued Partial Suspension of Entry for Nationals of Countries of Identified Concern.* The entry into the United States of nationals of the following countries continues to be suspended and limited as set forth in Proclamation 10949 and herein, subject to the categorical exceptions and case-by-case waivers described in section 6 of this proclamation:

- (a) Burundi;
- (b) Cuba;
- (c) Togo; and
- (d) Venezuela.

Sec. 4. *Full Suspension of Entry for Nationals of Countries of Identified Concern.* The entry into the United States of nationals of the following countries is hereby suspended and limited, as follows, subject to the categorical exceptions and case-by-case waivers described in section 6 of this proclamation:

- (a) Burkina Faso

(i) According to the Department of State, terrorist organizations continue to plan and conduct terrorist activities throughout Burkina Faso. According to the Fiscal Year 2024, Department of Homeland Security (DHS) Entry/Exit Overstay Report (“Overstay Report”), Burkina Faso had a B–1/B–2 visa overstay rate of 9.16 percent and a student (F), vocational (M), and exchange visitor (J) visa overstay rate of 22.95 percent. Additionally, Burkina Faso has historically refused to accept back its removable nationals.

(ii) The entry into the United States of nationals of Burkina Faso as immigrants and as nonimmigrants is hereby fully suspended.

(b) Laos

(i) According to the Overstay Report, Laos had a B–1/B–2 visa overstay rate of 28.34 percent and an F, M, and J visa overstay rate of 11.41 percent. According to the Fiscal Year 2023, Department of Homeland Security (DHS) Entry/Exit Overstay Report (“2023 Overstay Report”), Laos had a B–1/B–2 visa overstay rate of 34.77 percent and an F, M, and J visa overstay rate of 6.49 percent. Additionally, Laos has historically failed to accept back its removable nationals.

(ii) The entry into the United States of nationals of Laos as immigrants and as nonimmigrants is hereby fully suspended.

(c) Mali

(i) According to the Department of State, armed conflict between the Malian government and armed groups is common throughout the country. Terrorist organizations operate freely in certain areas of Mali.

(ii) The entry into the United States of nationals of Mali as immigrants and as nonimmigrants is hereby fully suspended.

(d) Niger

(i) According to the Department of State, terrorists and their supporters are active in planning kidnappings in Niger, and they may attack anywhere in the country. According to the Overstay Report, Niger had a B–1/B–2 visa overstay rate of 13.41 percent and an F, M, and J visa overstay rate of 16.46 percent.

(ii) The entry into the United States of nationals of Niger as immigrants and as nonimmigrants is hereby fully suspended.

(e) Sierra Leone

(i) According to the Overstay Report, Sierra Leone had a B–1/B–2 visa overstay rate of 16.48 percent and an F, M, and J visa overstay rate of 35.83 percent. According to the 2023 Overstay Report, Sierra Leone had a B–1/B–2 visa overstay rate of 15.43 percent and an F, M, and J visa overstay rate of 35.83 percent. Additionally, Sierra Leone has historically failed to accept back its removable nationals.

(ii) The entry into the United States of nationals of Sierra Leone as immigrants and as nonimmigrants is hereby fully suspended.

(f) South Sudan

(i) According to the Overstay Report, South Sudan had a B–1/B–2 visa overstay rate of 6.99 percent and an F, M, and J visa overstay rate of 26.09 percent. Additionally, South Sudan has historically failed to accept back its removable nationals.

(ii) The entry into the United States of nationals of South Sudan as immigrants and as nonimmigrants is hereby fully suspended.

(g) Syria

(i) Syria is emerging from a protracted period of civil unrest and internal strife. While the country is working to address its security challenges in close coordination with the United States, Syria still lacks an adequate central authority for issuing passports or civil documents and does not have appropriate screening and vetting measures. According to the Overstay Report, Syria had a B–1/B–2 visa overstay rate of 7.09 percent and an F, M, and J visa overstay rate of 9.34 percent.

(ii) The entry into the United States of nationals of Syria as immigrants and nonimmigrants is hereby fully suspended.

(h) Palestinian Authority Documents

(i) Several United States-designated terrorist groups operate actively in the West Bank or Gaza Strip and have murdered American citizens. Also, the recent war in these areas likely resulted in compromised vetting and screening abilities. In light of these factors, and considering the weak or nonexistent control exercised over these areas by the PA, individuals attempting to travel on PA-issued or endorsed travel documents cannot currently be properly vetted and approved for entry into the United States.

(ii) The entry into the United States of foreign nationals who seek to travel on any travel documents issued or endorsed by the PA, as immigrants and nonimmigrants, is hereby fully suspended.

Sec. 5. *Partial Suspension of Entry for Nationals of Countries of Identified Concern.* The entry into the United States of nationals of the following countries is hereby suspended and limited, as follows, subject to the categorical exceptions and case-by-case waivers described in section 6 of this proclamation:

(a) Angola

(i) According to the Overstay Report, Angola had a B-1/B-2 visa overstay rate of 14.43 percent and an F, M, and J visa overstay rate of 21.92 percent.

(ii) The entry into the United States of nationals of Angola as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Angola to the extent permitted by law.

(b) Antigua and Barbuda

(i) Antigua and Barbuda has historically had CBI without residency.

(ii) The entry into the United States of nationals of Antigua and Barbuda as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Antigua and Barbuda to the extent permitted by law.

(c) Benin

(i) According to the Overstay Report, Benin had a B-1/B-2 overstay rate of 12.34 percent and an F, M, and J visa overstay rate of 36.77 percent.

(ii) The entry into the United States of nationals of Benin as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Benin to the extent permitted by law.

(d) Cote d'Ivoire

(i) According to the Overstay Report, Cote d'Ivoire had a B-1/B-2 visa overstay rate of 8.47 percent and an F, M, and J visa overstay rate of 19.09 percent.

(ii) The entry into the United States of nationals of Cote d'Ivoire as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Cote d'Ivoire to the extent permitted by law.

(e) Dominica

(i) Dominica has historically had CBI without residency.

(ii) The entry into the United States of nationals of Dominica as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Dominica to the extent permitted by law.

(f) Gabon

(i) According to the Overstay Report, Gabon had a B-1/B-2 visa overstay rate of 13.72 percent and an F, M, and J visa overstay rate of 17.77 percent.

(ii) The entry into the United States of nationals of Gabon as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Gabon to the extent permitted by law.

(g) The Gambia

(i) According to the Overstay Report, The Gambia had a B–1/B–2 visa overstay rate of 12.70 percent and an F, M, and J visa overstay rate of 38.79 percent. Additionally, The Gambia has historically refused to accept back its removable nationals.

(ii) The entry into the United States of nationals of The Gambia as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of The Gambia to the extent permitted by law.

(h) Malawi

(i) According to the Overstay Report, Malawi had a B–1/B–2 visa overstay rate of 22.45 percent and an F, M, and J visa overstay rate of 31.99 percent.

(ii) The entry into the United States of nationals of Malawi as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Malawi to the extent permitted by law.

(i) Mauritania

(i) According to the Overstay Report, Mauritania had a B–1/B–2 visa overstay rate of 9.49 percent. According to the Department of State, the Government of Mauritania has little presence in certain parts of the country, which creates substantial screening and vetting difficulties.

(ii) The entry into the United States of nationals of Mauritania as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Mauritania to the extent permitted by law.

(j) Nigeria

(i) Radical Islamic terrorist groups such as Boko Haram and the Islamic State operate freely in certain parts of Nigeria, which creates substantial screening and vetting difficulties. According to the Overstay Report, Nigeria had a B–1/B–2 visa overstay rate of 5.56 percent and an F, M, and J visa overstay rate of 11.90 percent.

(ii) The entry into the United States of nationals of Nigeria as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Nigeria to the extent permitted by law.

(k) Senegal

(i) According to the Overstay Report, Senegal had a B–1/B–2 visa overstay rate of 4.30 percent and an F, M, and J visa overstay rate of 13.07 percent.

(ii) The entry into the United States of nationals of Senegal as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Senegal to the extent permitted by law.

(l) Tanzania

(i) According to the Overstay Report, Tanzania had a B-1/B-2 visa overstay rate of 8.30 percent and an F, M, and J visa overstay rate of 13.97 percent.

(ii) The entry into the United States of nationals of Tanzania as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Tanzania to the extent permitted by law.

(m) Tonga

(i) According to the Overstay Report, Tonga had a B-1/B-2 visa overstay rate of 6.45 percent and an F, M, and J visa overstay rate of 14.44 percent.

(ii) The entry into the United States of nationals of Tonga as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Tonga to the extent permitted by law.

(n) Turkmenistan

(i) Since the issuance of Proclamation 10949, Turkmenistan has engaged productively with the United States and demonstrated significant progress in improving its identity-management and information-sharing procedures. As a result, the restrictions imposed on Turkmenistan in this proclamation modify and supersede those set forth in section 3(f) of Proclamation 10949.

(ii) The suspension of entry into the United States of nationals of Turkmenistan as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas is lifted. Because some concerns remain, the entry into the United States of nationals of Turkmenistan as immigrants remains suspended.

(o) Zambia

(i) According to the Overstay Report, Zambia had a B-1/B-2 visa overstay rate of 10.73 percent and an F, M, and J visa overstay rate of 21.02 percent.

(ii) The entry into the United States of nationals of Zambia as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Zambia to the extent permitted by law.

(p) Zimbabwe

(i) According to the Overstay Report, Zimbabwe had a B-1/B-2 visa overstay rate of 7.89 percent and an F, M, and J visa overstay rate of 15.15 percent.

(ii) The entry into the United States of nationals of Zimbabwe as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Zimbabwe to the extent permitted by law.

Sec. 6. *Scope and Implementation of Suspensions and Limitations.* (a) *Scope.* Subject to the exceptions set forth in subsection (b) of this section and any exceptions made pursuant to subsections (c) and (d) of this section, the suspensions of and limitations on entry pursuant to sections 2, 3, 4, and 5 of this proclamation shall apply only to foreign nationals of the designated countries who:

(i) are outside the United States on the applicable effective date of this proclamation; and

(ii) do not have a valid visa on the applicable effective date of this proclamation.

(b) *Exceptions.* The suspension of and limitation on entry pursuant to sections 2, 3, 4, and 5 of this proclamation shall not apply to:

- (i) any lawful permanent resident of the United States;
 - (ii) any dual national of a country designated under sections 2, 3, 4, or 5 of this proclamation when the individual is traveling on a passport issued by a country not so designated;
 - (iii) any foreign national traveling with a valid nonimmigrant visa in the following classifications: A-1, A-2, C-2, C-3, G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6;
 - (iv) any athlete or member of an athletic team, including the coaches, persons performing a necessary support role, and immediate relatives, traveling for the World Cup, Olympics, or other major sporting event as determined by the Secretary of State;
 - (v) Special Immigrant Visas for United States Government employees under 8 U.S.C. 1101(a)(27)(D); and
 - (vi) immigrant visas for ethnic and religious minorities facing persecution in Iran.
- (c) The exceptions in subsection (b) of this section amend and supersede the exceptions set forth in section 4(b) of Proclamation 10949 with respect to any countries listed in section 2 or 3 of Proclamation 10949 from and after the date of this proclamation.
- (d) Exceptions to the suspension of and limitation on entry pursuant to sections 2, 3, 4, and 5 of this proclamation may be made on a case-by-case basis for individuals for whom the Attorney General finds, in her discretion, that the travel by the individual would advance a critical United States national interest involving the Department of Justice, including when individuals must be present to participate in criminal proceedings as witnesses. These exceptions shall be made only by the Attorney General, or her designee, in coordination with the Secretary of State and the Secretary of Homeland Security.
- (e) Exceptions to the suspension of and limitation on entry pursuant to sections 2, 3, 4, and 5 of this proclamation may be made on a case-by-case basis for individuals for whom the Secretary of State finds, in his discretion, that the travel by the individual would serve a United States national interest. These exceptions shall be made by only the Secretary of State or his designee, in coordination with the Secretary of Homeland Security or her designee.
- (f) Exceptions to the suspension of and limitation on entry pursuant to sections 2, 3, 4, and 5 of this proclamation may be made on a case-by-case basis for individuals for whom the Secretary of Homeland Security finds, in her discretion, that the travel by the individual would serve a United States national interest. These exceptions shall be made by only the Secretary of Homeland Security or her designee, in coordination with the Secretary of State or his designee.

Sec. 7. *Adjustments to and Removal of Suspensions and Limitations.* (a) Within 180 days of the date of this proclamation, and every 180 days thereafter, the Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, shall submit a report to the President, through the Assistant to the President for Homeland Security, recommending whether any suspensions and limitations imposed by sections 2, 3, 4, and 5 of this proclamation should be continued, terminated, modified, or supplemented.

(b) The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, shall continue to engage each of the countries identified in sections 2 and 3 of this proclamation—and shall immediately engage each of the countries identified in sections 4 and 5 of this proclamation—on measures that must be taken to comply with screening, vetting, immigration, and security requirements of the United States.

Sec. 8. *Enforcement.* (a) The Secretary of State, the Attorney General, and the Secretary of Homeland Security shall consult with appropriate domestic and international partners, including countries and organizations, to ensure efficient, effective, and appropriate implementation of this proclamation.

(b) In implementing this proclamation, the Secretary of State, the Attorney General, and the Secretary of Homeland Security shall comply with all applicable laws and regulations.

(c) No immigrant or nonimmigrant visa issued before the applicable effective date of this proclamation shall be revoked pursuant to this proclamation.

(d) This proclamation shall not apply to an individual who has been granted asylum by the United States or to a refugee who has already been admitted to the United States. Nothing in this proclamation shall be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture, consistent with the laws of the United States.

Sec. 9. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, foreign policy, and counterterrorism interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision of this proclamation to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision of this proclamation to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch official shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 10. *Effective Date.* This proclamation is effective at 12:01 a.m. eastern standard time on January 1, 2026.

Sec. 11. *General Provisions.* (a) Nothing in this proclamation 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

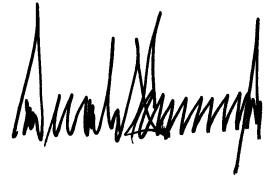
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by 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 proclamation shall be borne by the Department of State.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth 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 a stylized representation of a name, possibly "Donald Trump", written in a cursive or semi-cursive style.

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