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**Lisa Barton,**

*Secretary to the Commission.*

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## DEPARTMENT OF LABOR

### Guidance on Referrals for Potential Criminal Enforcement

**ACTION:** Notice.

**SUMMARY:** This notice describes the Department of Labor's plans to address criminally liable regulatory offenses under the recent executive order on Fighting Overcriminalization in Federal Regulations.

**FOR FURTHER INFORMATION CONTACT:** Edmund C. Baird, Acting Deputy Solicitor for Regional Enforcement, Office of the Solicitor; telephone (202) 693–5460; email: [contact-sol@dol.gov](mailto:contact-sol@dol.gov)

**SUPPLEMENTARY INFORMATION:** On May 9, 2025, the President issued Executive Order (“E.O.”) 14294, Fighting Overcriminalization in Federal Regulations. 90 FR 20363 (published May 14, 2025). Section 7 of E.O. 14294 provides that within 45 days of the order, and in consultation with the Attorney General, each agency should publish guidance in the **Federal Register** describing its plan to address criminally liable regulatory offenses.

Consistent with that requirement, the Department of Labor (“DOL”) advises the public that by May 9, 2026, the Department, in consultation with the Attorney General, will provide to the Director of the Office of Management and Budget (“OMB”) a report containing: (1) a list of all criminal regulatory offenses<sup>1</sup> enforceable by DOL or the Department of Justice (“DOJ”); and (2) for each such criminal regulatory offense, the range of potential criminal penalties for a violation and the applicable mens rea standard<sup>2</sup> for the criminal regulatory offense.

This notice also announces a general policy, subject to appropriate exceptions and to the extent consistent with law, that when DOL is deciding whether to refer alleged violations of criminal regulatory offenses to DOJ, officers and employees of DOL should consider, among other factors:

- whether an employee has died or was seriously injured as a result of a

violation of one of the laws that DOL enforces;

- whether the putative defendant's conduct is particularly egregious, such as where the employer has a history of similar violations;
- whether the putative defendant has deliberately impeded Department of Labor investigative efforts;
- whether workers were physically or mentally coerced, such as in cases involving trafficking or extortion;
- the harm or risk of harm, pecuniary or otherwise, caused by the alleged offense;
- the potential gain to the putative defendant that could result from the offense;
- whether the putative defendant held specialized knowledge, expertise, or was licensed in an industry related to the rule or regulation at issue; and
- evidence, if any is available, of the putative defendant's general awareness of the unlawfulness of his conduct as well as his knowledge or lack thereof of the regulation at issue.

This general policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**Jonathan Snare,**

*Acting Solicitor of Labor.*

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**BILLING CODE 4510–HX–P**

## OFFICE OF SPECIAL COUNSEL

### Information Collection Request; Request for Comment

**AGENCY:** U.S. Office of Special Counsel (OSC).

**ACTION:** Notice of request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the U.S. Office of Special Counsel (OSC) is seeking public comment on an extension of a currently approved information collection activity for its Alternative Dispute Resolution (ADR) Program, approved under OMB Control Number 3255–0008. OSC has revised its survey approach and now administers a single survey to mediation participants immediately following the conclusion of their ADR session. This updated format replaces the prior two-part survey process (initial and follow-up). The survey is used to assess program effectiveness, gather participant feedback, and identify areas for improvement. Participation is

voluntary and responses are submitted anonymously.

**DATES:** Written comments must be received on or before August 25, 2025.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Mail:* Barbara Wheeler Jones, U.S. Office of Special Counsel, 1730 M Street NW, Suite 218, Washington, DC 20036.
- *Email:* [frliaison@osc.gov](mailto:frliaison@osc.gov).

**FOR FURTHER INFORMATION CONTACT:**

Nicole Courtney, Records and Information Manager, at (202) 804–7000 or via email at [frliaison@osc.gov](mailto:frliaison@osc.gov).

**SUPPLEMENTARY INFORMATION:** OSC's ADR Survey is administered electronically to individuals who participate in the agency's voluntary mediation program for prohibited personnel practice complaints. To improve efficiency and enhance response quality, OSC now issues a single consolidated survey immediately after the mediation concludes. The information collected will help OSC evaluate the overall success of its ADR process and improve service delivery. Participation remains voluntary and anonymous.

- *Title of Collection:* OSC Alternative Dispute Resolution (ADR) Program Survey.

- *OMB Control Number:* 3255–0008.

- *Type of Review:* An amendment of a currently approved information collection. OSC has submitted an extension request to OMB for this collection (Control No. 3255–0008), which is currently under review. This notice initiates a separate review process for a proposed revision to that collection, which will be submitted to OMB following the conclusion of the public comment period.

- *Affected Public:* Individuals who participate in OSC's ADR process (e.g., federal employees, agency representatives, legal counsel).

- *Estimated Number of Respondents:* 80 annually.

- *Estimated Time per Response:* 35 minutes.

- *Total Estimated Annual Burden:* Approximately 46.64.

**Abstract:** The ADR Program at OSC provides a confidential and informal process to resolve prohibited personnel practice complaints through mediation and facilitated discussions. To assess participant satisfaction, OSC administers a short, singular survey following each mediation session. This revised format replaces the former two-survey model. Responses are used to evaluate the effectiveness of the ADR process, identify trends, and inform program enhancements. The survey is

<sup>1</sup> “Criminal regulatory offense” means a Federal regulation that is enforceable with a criminal penalty. E.O. 14294, sec. 3(b).

<sup>2</sup> “Mens rea” means the state of mind that by law must be proven to convict a particular defendant of a particular crime. E.O. 14294, sec. 3(c).