

Atlantic blue marlin continues to be overfished. NMFS, on behalf of the Secretary, is required to provide this notice whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

FOR FURTHER INFORMATION CONTACT: Evelyn Strombom, (301)-427-8633.

SUPPLEMENTARY INFORMATION: Pursuant to section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1854(e)(2), NMFS, on behalf of the Secretary, must notify councils, and publish a notice in the **Federal Register**, whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

NMFS has determined that Atlantic blue marlin continues to be overfished. This determination is based on the most recent assessment completed in 2024, using data through 2022, and is consistent with the status determination criteria of both the domestic fishery management plan and the International Commission for the Conservation of Atlantic Tunas (ICCAT) Standing Committee on Research and Statistics. NMFS continues to work with ICCAT on measures contained in the rebuilding plan.

Dated: June 24, 2025.

Kelly Denit,

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

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CONSUMER FINANCIAL PROTECTION BUREAU

Guidance on Referrals for Potential Criminal Enforcement

AGENCY: Consumer Financial Protection Bureau

ACTION: Policy statement

SUMMARY: The Consumer Financial Protection Bureau (CFPB or Bureau) is issuing this policy statement to describe its plan to address criminally liable regulatory offenses.

DATES: This policy statement is applicable on June 27, 2025.

FOR FURTHER INFORMATION CONTACT: Dave Gettler, Paralegal Specialist, Office of Regulations, at 202-435-7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov*.

SUPPLEMENTARY INFORMATION:

I. Policy Statement

On May 9, 2025, the President issued Executive Order (“E.O.”) 14294, *Fighting Overcriminalization in Federal Regulations*.¹ 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. The E.O. defines a “criminal regulatory offense” as a “Federal regulation that is enforceable by a criminal penalty.” This policy statement constitutes the Bureau’s plan to address criminally liable regulatory offenses.

The Bureau administers and civilly enforces Federal consumer financial law,² which includes the Consumer Financial Protection Act and several other statutes, such as the Truth in Lending Act, the Real Estate Settlement Procedures Act, and the Electronic Fund Transfer Act.³ The Bureau has issued regulations under these laws, and some of those regulations are enforceable by a criminal penalty. For instance, “whoever willfully and knowingly gives false or inaccurate information or fails to provide information which he is required to disclose under the [Truth in Lending Act] or any regulation issued thereunder . . . shall be fined not more than \$5,000 or imprisoned not more than one year, or both.”⁴

Where appropriate, the Bureau may refer alleged violations of these criminal regulatory offenses to the Department of Justice. For instance, in the course of an enforcement investigation, the Bureau may obtain credible evidence that a person has committed a criminal regulatory offense, and the Bureau may (where appropriate) refer such an offense to the Department of Justice.

In exercising discretion in making referrals of criminal regulatory offenses, Bureau officials will consider the following factors, among others:

¹ 90 FR 20363 (May 14, 2025).

² 12 U.S.C. 5511(a).

³ 12 U.S.C. 5481(14).

⁴ 15 U.S.C. 1611(a)(1); see also, e.g., 15 U.S.C. 1693n(a)(1) (“Whoever knowingly and willingly gives false or inaccurate information or fails to provide information which he is required to disclose by [the Electronic Fund Transfer Act] or any regulation thereunder . . . shall be fined not more than \$5,000 or imprisoned not more than one year, or both.”); 15 U.S.C. 1717 (“Any person who willfully violates any of the provisions of [the Interstate Land Sales Full Disclosure Act] or the rules and regulations prescribed pursuant thereto . . . shall upon conviction be fined not more than \$10,000 or imprisoned not more than five years, or both.”); Regulation X, 12 CFR 1024.14(a) (implementing 12 U.S.C. 2607) (“Any violation of this section is a violation of [12 U.S.C. 2607],” which, in turn, is punishable by a fine of “not more than \$10,000” or imprisonment “for not more than one year, or both”).

- 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.

Consistent with the E.O., the Bureau also intends to take the following steps to address criminal regulatory offenses:

- The Bureau will provide within 365 days of the E.O. (and in consultation with the Attorney General), a report to the Director of the Office of Management and Budget (OMB) containing: (i) a list of all criminal regulatory offenses enforceable by the Bureau or the Department of Justice; and (ii) for each such criminal regulatory offense, the range of potential criminal penalties for a violation and the applicable mens rea standard for the criminal regulatory offense. The Bureau will simultaneously post this report on its web page and periodically (but not less than once a year) update the report.

- The Bureau will consider whether a criminal regulatory offense is included in this report when considering whether to make a criminal referral to the Department of Justice or, where applicable, to the Bureau’s Inspector General.

- The Bureau will, in consultation with the Attorney General, examine the Bureau’s statutory authorities and determine whether there is authority to adopt a background mens rea standard for criminal regulatory offenses that applies unless a specific regulation states an alternative mens rea. Within 30 days of the submission of the report described above, the Bureau, in consultation with the Attorney General, will submit a report to the Director of OMB summarizing the information submitted in the report described above and assessing whether the applicable mens rea standards for criminal regulatory offenses enforced by the agency are appropriate. If consistent with the statutory authorities identified pursuant to the review described above, the report will present a plan for changing the applicable mens rea standards and adopting a generally applicable background mens rea standard, and provide a justification for each criminal regulatory offense for which the Bureau proposes to deviate from its default mens rea standard.

• In all future notices of proposed rulemaking (NPRMs) and final rules published in the **Federal Register**, the violation of which may constitute criminal regulatory offenses, the Bureau intends to include a statement identifying that the rule or proposed rule is a criminal regulatory offense and the authorizing statute. The Bureau will draft this statement in consultation with the Department of Justice. In addition, when formulating the regulatory text of Bureau NPRMs and final rules with criminal consequences that are published in the **Federal Register**, the Bureau intends to explicitly state a *mens rea* requirement for each element of a criminal regulatory offense, accompanied by citations to the relevant provisions of the authorizing statute.

II. Regulatory Matters

This is a general statement of policy under the Administrative Procedure Act.⁵ It articulates considerations relevant to the Bureau's exercise of its authorities. It does not have the force and effect of law; it has no legally binding effect, including no legally binding effect on persons or entities outside the Federal government; it is not final agency action; and it may be rescinded or modified in the Bureau's complete discretion.

This action does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act.⁶

Russell Vought,

Acting Director, Consumer Financial Protection Bureau.

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DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Feasibility Study and Environmental Impact Statement for the Harris County Flood Control District Solutions for Advancing Floodplain Evaluation and Resilience (SAFER) Initiative, Harris County, TX

AGENCY: Corps of Engineers, Department of the Army, DoD.

ACTION: Notice of intent to prepare a draft feasibility study and environmental impact statement for the SAFER Initiative, Harris County, TX.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, the U.S. Army Corps of Engineers, Galveston District (USACE) intends to prepare an Environmental Impact Statement (EIS) for the "Solutions for Advancing Floodplain Evaluation and Resilience" (SAFER) Initiative. The EIS would be prepared in association with a feasibility report prepared by a Non-Federal Interest (NFI)—the Harris County Flood Control District (Flood Control District) under authority granted by section 203 of Water Resources Development Act of 1986 (WRDA 1986) (Pub. L. 99-662). The study will identify and evaluate structural and nonstructural alternatives to reduce the risk of flooding across eleven watersheds. This notice announces the USACE's intent to determine the scope of the issues to be addressed and identify the significant environmental issues (e.g., impacts to aquatic resources, terrestrial habitat, fisheries, etc.) related to the proposed action.

DATES: Public scoping comments should be submitted on or before September 25, 2025, electronically or mailed as written letters. A minimum of ten scoping meetings will be held from July to August 2025. Public scoping meeting details can be found at theSAFERstudy.org.

ADDRESSES: Submit all electronic public comments via email to: comments@theSAFERstudy.org. Written comments may be mailed to: ATTN: Mr. Danny Allen, 2000 Fort Point Road, Galveston, Texas, 77550.

FOR FURTHER INFORMATION CONTACT:

Questions regarding the proposed Draft EIS can be addressed by contacting Mr. Danny Allen by phone at 512-461-6579, or by email at Daniel.Allen@usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. *Authority.* The SAFER initiative is authorized under Section 203 of WRDA 1986, (Pub. L. 99-662), as amended by Section 1014(a) of the Water Resources Reform and Development Act (WRRDA) of 2014 (Pub. L. 113-121) which authorizes the NFI to perform feasibility studies (FS) of proposed water resources development projects for submission directly to the Secretary of the Army with USACE providing technical guidance and conducting inherently governmental activities. Once submitted, the Assistant Secretary of the Army for Civil Works (ASA(CW))

evaluates the FS and prepares a report for congressional committees that describes whether the project is feasible, including recommendations concerning project design or conditions for construction. The FS phase is 100% funded by the NFI.

2. *Background.* The potential project area covers 11 watersheds located in Harris County, within the Harris County Flood Control District's jurisdictional boundary. The Harris County Flood Control District is a special purpose district created by the Texas Legislature in 1937 and governed by Harris County Commissioners Court. It was created in response to devastating floods that struck the region in 1929 and 1935. Harris County continues to experience major flood events, with the most significant occurring during Hurricane Harvey in 2017. These storm events cause significant flood damage, including the loss of life, coupled with projected increases in precipitation patterns and the potential for flooding events in the future, warrant this flood risk management feasibility study. The Flood Control District, acting as the NFI, is undertaking this study to evaluate flood risk management alternatives covering Brays Bayou, Buffalo Bayou, Clear Creek, Cypress Creek, Greens Bayou, Halls Bayou, Hunting Bayou, Little Cypress Creek, Sims Bayou, White Oak Bayou, and Vince Bayou watersheds.

3. *Alternatives.* The study will evaluate structural and nonstructural alternatives that could reduce flood risk and address study objectives. A no action alternative will also be considered. A number of measures will be considered including but not limited to: channel improvements, deep stormwater tunnels, bypass/diversion channels, stormwater detention basins, natural and nature-based features, and nonstructural measures. The study will evaluate potential benefits and impacts of the array of alternatives including reasonably foreseeable effects to the human and natural environments that balance the interests of flood risk management and environmental quality.

4. *Public Participation.* Scoping completed prior to and after publication of this NOI will be used to develop the EIS. The scoping comment period will begin on June 27, 2025 and will end 90 days after publication of this notice. All comments received during the scoping period are being used to identify additional measures and alternatives, significant resources, and impacts that should be considered in the EIS. Additional comments received outside the scoping period will be considered prior to the draft EIS public review

⁵ See 5 U.S.C. 553(b). However, this is not a "statement of policy" as that term is used in the specific context of Regulation X, 12 CFR 1024.4(a)(1)(ii).

⁶ 44 U.S.C. 3501 *et seq.*