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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.

DEPARTMENT OF AGRICULTURE

Guidance on Referrals for Potential Criminal Enforcement

AGENCY: Office of the General Counsel, Department of Agriculture.

ACTION: Notice.

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

FOR FURTHER INFORMATION CONTACT: Mr. Michael Poe, Office of the General Counsel, USDA, 1400 Independence Avenue SW, Washington, DC 20250-1400, (202) 769-8247.

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, USDA 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 offenses¹ enforceable by USDA 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

standard² 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 USDA is deciding whether to refer alleged violations of criminal regulatory offenses to DOJ, officers and employees of USDA should consider, among other factors:

- 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 E.O. 14294 and the general policy set forth above, the following actions shall be undertaken:

a. Within 90 days of publication of this notice, each agency shall review its regulations and submit to the Office of the General Counsel a list of all criminal regulatory offenses enforceable by the agency or the DOJ and describe the applicable statutory authorities, the range of potential criminal penalties for a violation, and the applicable mens rea standard for the criminal regulatory offense;

b. Within 120 days of publication of this notice, each agency shall review its directives and other internal guidance documents and submit to the Office of the General Counsel a list of directives and guidance documents that may not be consistent with E.O. 14294 and the general policy set forth above;

c. Within 180 days of publication of this notice, the Office of the General Counsel shall make recommendations to the Secretary on actions to further the intent of E.O. 14294 and the general policy set forth above.

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.

Ralph A. Linden,

Acting General Counsel, Office of the General Counsel.

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DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Certification of Identity (Form BC-300)

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 proposed extension without change of a currently approved collection of the Certification of Identity (Form BC-300) as a Common Form, 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 August 8, 2025.

ADDRESSES: Interested persons are invited to submit written comments by email to census.efoia@census.gov. Please reference "Certification of Identity (Form BC-300)" in the subject line of your comments. You may also submit comments, identified by Docket Number USBC-2025-0007, to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally

¹ "Criminal regulatory offense" means a Federal regulation that is enforceable by a criminal penalty. E.O. 14294, section 3(b).

² "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, section 3(c).

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 Shauvez Bennett, FOIA Public Liaison, 301-763-7206, and shauvez.bennett@census.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau's Freedom of Information Act (FOIA) Office receives an estimated 250 Privacy Act requests annually. In order to protect the public's privacy and adhere to Privacy regulations, the Census Bureau's FOIA Office developed the Certification of Identity (Form BC-300) to assist with accurately identifying and providing personnel records to requesters. The Form BC-300 asks requesters to provide general information such as name, address, date of birth (D.O.B), description of the request, etc. The form provides added protection in managing sensitive records regulated under the Privacy Act. This form will be hosted by the Census Bureau as a Common Form.

II. Method of Collection

The Privacy Act of 1974 (the Privacy Act), as amended, 5 U.S.C. 552a, establishes a code of fair information practices that governs the collection, maintenance, use, and dissemination of information about individuals that is maintained in systems of records by federal agencies. Regulations at 15 CFR part 4, subpart B prescribe how an individual must make a request for access to his or her own personal records to the Census Bureau under the Privacy Act. Generally, one may submit a request for access to his or her own personal records by appearing in person, electronically through the FOIA public website, or by writing to the Census FOIA Office. The regulations require that the requestor describe the records in enough detail to enable Census Bureau personnel to locate the applicable system of records containing the information with a reasonable amount of effort. 15 CFR 4.4(c). A request made under the Privacy Act should include the information listed at 15 CFR 4.24(b), including whenever possible, a description of the records sought, the time periods they were

compiled, and the name or identifying number of each system of records where they are kept. Furthermore, requestor must provide documentation or proof of identity. 15 CFR 4.24(d). These documents include information such as the requestor's full name, current address, D.O.B, and place of birth, and where required, a notarized or sworn statement of identity. All Privacy Act requests not made in person must contain a verification of identity that either is notarized or signed under penalty of perjury. 15 CFR 4.24(d). The Census Bureau is prohibited by Federal law from disclosing any information contained in the records, except upon written request from the person to whom the information pertains or to a legal representative.

The Form BC-300 is used to collect general information in order to sufficiently identify a respondent to ensure accurate records are provided to the right person as stated in 15 CFR 4.24(d). The Form BC-300 asks for name, address, D.O.B., description of request, and signature, in accordance with 15 CFR 4.24(d). The form explains the purpose and includes the Privacy Act Statement, the disclosure statement, the authorities under which the Census Bureau is authorized to collect the information, and an explanation of burden to the requester. The Form BC-300 is a "public use" form meaning that this form is used for all public and internal agency requests for personal records.

The Form BC-300 is available in both printable and electric formats. The online fillable version helps minimize the requester's processing time for filling out and submitting the form. The Census Bureau will receive all Form BC-300s either electronically submitted through the Census FOIA website, by fax, or via postal mail. In all circumstances, proper identification of the requestor must be obtained to ensure distribution of accurate records to the correct individuals. Providing this information is voluntary; however, if not provided, the Census Bureau will be unable to provide the requested personal records.

III. Data

OMB Control Number: 0607-1018.

Form Number(s): Form BC-300, Common Form.

Type of Review: Regular submission, Request for an Extension without change of a currently approved collection.

Affected Public: Individuals requesting the release of his or her own records.

Estimated Number of Respondents: 400 (annual respondents).

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 40.

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: Voluntary.

Legal Authority: In accordance with 15 CFR part 4, subpart B, the U.S. Census Bureau requires the submission of sufficient information to identify individuals that submit requests by mail or otherwise not in person under the Privacy Act of 1974, 5 U.S.C. 552a.

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.

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