

Congressional Review Act

The Commission sent a copy of the Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

Synopsis

1. The United States Court of Appeals for the Eleventh Circuit vacated and remanded the part of the Commission's order adopting the revised rule section 47 CFR 64.1200(f)(9) in Targeting and Eliminating Unlawful Text Messages; Rules and Regulations Implementing of the Telephone Consumer Protection Act of 1991; Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket Nos. 21-402, 02-278, and 17-59, Second Report and Order, Second Further Notice of Proposed Rulemaking in CG Docket Nos. 02-278 and 21-402, and Waiver Order in CG Docket No. 17-59, 89 FR 5117 (Jan. 26, 2024). Pursuant to F. R. App. P. 41(b), the court issued its mandate on April 30, 2025, which vacated, as of that date, the rule change for the first full paragraph of § 64.1200(f)(9) that the Commission adopted in 2023. This action reinstates in the Commission's rules the prior version of § 64.1200(f)(9). Prior to the court's mandate, the Commission had postponed the effective date of the revised rule and the revised rule had not gone into effect.

2. The Commission for good cause finds that notice and comment are unnecessary for this rule amendment under 5 U.S.C. 553(b)(B) because this ministerial order merely implements the mandate of the United States Court of Appeals for the Eleventh Circuit, and the Commission lacks discretion to depart from this mandate. Because this Order is being adopted without notice and comment, the Regulatory Flexibility Act does not apply.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Robert Garza,

Legal Advisor, Consumer and Governmental Affairs Bureau.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

- 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091; Pub. L. 117–338, 136 Stat. 6156.

Subpart L—Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising

- 2. Amend § 64.1200 by revising paragraph (f)(9) to read as follows:

§ 64.1200 Delivery restrictions.

* * * * *

(f) * * *

(9) The term prior express written consent means an agreement, in writing, bearing the signature of the person called that clearly authorizes the seller to deliver or cause to be delivered to the person called advertisements or telemarketing messages using an automatic telephone dialing system or an artificial or prerecorded voice, and the telephone number to which the signatory authorizes such advertisements or telemarketing messages to be delivered.

(i) The written agreement shall include a clear and conspicuous disclosure informing the person signing that:

(A) By executing the agreement, such person authorizes the seller to deliver or cause to be delivered to the signatory telemarketing calls using an automatic telephone dialing system or an artificial or prerecorded voice; and

(B) The person is not required to sign the agreement (directly or indirectly), or agree to enter into such an agreement as a condition of purchasing any property, goods, or services.

(ii) The term “signature” shall include an electronic or digital form of signature, to the extent that such form of signature is recognized as a valid signature under applicable federal law or state contract law.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 1206013412-2517-02; RTID 0648-XF136]

Fisheries of the Gulf of America; 2025 Commercial Closure for Gulf Greater Amberjack

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the Gulf of America (Gulf) greater amberjack commercial sector for the 2025 fishing year through this temporary rule. NMFS has determined that Gulf greater amberjack commercial landings have reached the commercial annual catch target (ACT). Therefore, the 2025 commercial fishing season for greater amberjack in the Gulf exclusive economic zone (EEZ) will close on Tuesday, September 2, 2025, and will remain closed through December 31, 2025. These actions are necessary to protect the Gulf greater amberjack resource.

DATES: The commercial closure is effective 12:01 a.m., local time, Tuesday, September 2, 2025, through December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, 727-824-5305, or kelli.odonnell@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS and the Gulf Council manage the reef fish fishery of the Gulf, which includes greater amberjack, under the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP). The FMP was prepared by the Gulf Council, approved by the Secretary of Commerce, and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All greater amberjack weights discussed in this temporary rule are in round weight.

For Gulf greater amberjack, the commercial annual catch limit (ACL) and quota (commercial ACT) are 101,000 pounds (lb)(45,813 kilograms (kg)) and 93,930 lb (42,606 kg), respectively (50 CFR 622.41(a)(2)(iii) and 622.39(a)(2)(ii)). As described at 50 CFR 622.7, the fishing year for the Gulf greater amberjack commercial sector is January 1 through December 31.

Under 50 CFR 622.41(a)(1)(i), NMFS is required to close the greater amberjack commercial sector when the commercial ACT is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the 2025 commercial ACT of 93,930 lb (42,606 kg) has been reached. Accordingly, NMFS closes the commercial harvest of greater amberjack from the Gulf EEZ effective 12:01 a.m., local time, Tuesday, September 2, 2025 through December 31, 2025.

During the commercial closure, the sale or purchase of greater amberjack taken from the Gulf EEZ is prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of greater amberjack that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, Tuesday, September 2, 2025, and were held in cold storage by a dealer or processor. The commercial sector for greater

amberjack will re-open on January 1, 2026, the beginning of the 2026 greater amberjack commercial fishing season.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.41(a)(1), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the closure of the greater amberjack commercial sector at 50 CFR 622.41(a)(1) have already been subject to notice and public comment, and all that remains is to notify the public of the commercial closure. Prior

notice and opportunity for public comment are contrary to the public interest because there is a need to immediately implement this action to protect the greater amberjack stock. Prior notice and opportunity for public comment would require time and could result in a harvest well in excess of the commercial ACL. NMFS is required to reduce the 2026 commercial ACT and ACL by the amount of any overage of the 2025 commercial ACL, which would then reduce the 2026 fishing season.

For the aforementioned reasons, the NMFS also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: August 27, 2025.

Kelly Denit,

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

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