

than one year, one year or less, and unsentenced;

(h) The source of U.S. citizenship data; and

(i) The aggregated rated, operational, and/or design capacities, by sex, of the state/BOP's correctional facilities at year-end.

For the NPS-1B(T) form, five central reporters from the U.S. Territories and Commonwealths of Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, and American Samoa will be asked to provide information for the following categories for the calendar year just ended, and, if available, for the previous calendar year:

(a) As of December 31, the number of incarcerated males and females within their custody and under their jurisdiction with maximum sentences of more than one year, one year or less and unsentenced; and an assessment of the completeness of these counts (complete, partial, or estimated);

(b) The number of incarcerated individuals under jurisdiction on

December 31 but in the custody of facilities operated by other jurisdictions' authorities solely to reduce prison overcrowding;

(c) Number of incarcerated individuals under jurisdiction on December 31 by race and Hispanic origin;

(d) The aggregated rated, operational, and/or design capacities, by sex, of the territory's/Commonwealth's correctional facilities at year-end.

The Bureau of Justice Statistics uses this information in published reports and for the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, and others interested in criminal justice statistics.

5. *Obligation to Respond:* The obligation to respond is voluntary.

6. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Data collection conducted in 2026, 2027, and 2028 (collecting prison data from 2025, 2026, and 2027,

respectively) will require each respondent to spend an average of 4.5 total hours to respond to the NPS-1B form. 5 respondents, each taking an average of 2 hours to respond to the NPS-1B(T) form. The burden estimates are based on feedback from respondents, and the burden is reduced from the previous clearance due to the removal of the HIV/AIDS module.

7. *Estimated Time per Respondent:* NPS-1B will take an average of 300 minutes (5 hours) or NPS 1B-T will take an average of 60 minutes (1 hour) to complete.

8. *Frequency:* Each respondent will complete the NPS-1B or NPS 1B-T once.

9. *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 795 total burden hours associated with this collection for the three years of data collection, or approximately 265 hours for each year.

10. *Total Estimate Annual Other Costs Burden:* \$0.

Jurisdiction & form	Activity	Number of respondents	Freq.	Time per response (minutes)	Total annual burden (hours)	Hourly rate *	Monetized value of respondent time
State departments of corrections and the Federal Bureau of Prisons (NPS-1B).	Assemble and report data	51	1	270	229.5	\$38.50	\$8,835.75
	Non-response follow-up contact, clarification questions (if needed).	51	1	20	17	38.50	654.50
	Review and approve final data tabulations.	51	1	10	8.5	38.50	327.50
U.S. Territories and Commonwealths (NPS-1B(T)).	Assemble and report data	5	1	100	8.3	38.50	319.55
	Non-response follow-up contact, clarification questions (if needed).	5	1	15	1.3	38.50	50.05
	Review and approve final data tabulations.	5	1	5	0.4	38.50	15.40
Total	56	265	10,202.75

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: September 25, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

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OFFICE OF THE FEDERAL REGISTER

Publication Procedures for Federal Register Documents During a Funding Hiatus

AGENCY: Office of the Federal Register.

ACTION: Notice of special procedures.

SUMMARY: During an appropriations lapse, the Office of the Federal Register (OFR) publishes documents directly related to the performance of governmental functions necessary to address imminent threats to the safety of human life or protection of property and may publish documents related to funded programs if delaying publication until the end of the appropriations lapse

would prevent or significantly damage the execution of funded functions at the agency. The OFR is prohibited by law from publishing any other agency documents, unless the document was received and scheduled for publication before the appropriations lapse began. The OFR does not make case-by-case determinations as to whether certain documents are directly related to activities that qualify for an exemption under the Antideficiency Act. It is the responsibility of the agency submitting a document for publication during an appropriations lapse to provide justification and certify that the document is authorized under the Antideficiency Act.

FOR FURTHER INFORMATION CONTACT: Liza Davis, Esq., Director of Legal Affairs and Policy, or Mariya Solomiy, Staff Attorney, Office of the Federal Register, National Archives and Records Administration, (202) 741-6030 or Fedreg.legal@nara.gov.

SUPPLEMENTARY INFORMATION: Due to the possibility of a lapse in appropriations and in accordance with the provisions of the Antideficiency Act, Public Law 97-258, as amended (31 U.S.C. 1341), the OFR announces special procedures for agencies transmitting documents for publication in the **Federal Register**.

During an appropriations lapse, the OFR publishes documents directly related to the performance of governmental functions necessary to address imminent threats to the safety of human life or protection of property and may publish documents related to funded programs if delaying publication until the end of the appropriations lapse would prevent or significantly damage the execution of funded functions at the agency. The OFR is prohibited by law from publishing any other agency documents, unless the document was received and scheduled for publication before the appropriations lapse began. The OFR does not make case-by-case determinations as to whether certain documents are directly related to activities that qualify for an exemption under the Antideficiency Act. It is the responsibility of the agency submitting a document for publication to provide justification and certify that the document is authorized under the Antideficiency Act.

During an appropriations lapse affecting one or more Federal agencies, the OFR remains open to accept and process documents authorized to be published in the daily **Federal Register** in the absence of continuing appropriations. An agency wishing to transmit a document to the OFR during an appropriations lapse must attach an exception letter to the document which provides justification and certifies that publication in the **Federal Register** is necessary for one of the following reasons:

Unfunded Agencies or Programs

- To safeguard human life, protect property, or
- To provide other emergency services consistent with the performance of functions and services exempted under the Antideficiency Act.

Funded Agencies or Programs

- Because delaying publication until the end of the appropriations lapse would prevent or significantly damage

the execution of funded functions at the agency.

The OFR may be able to accept documents transmitted for publication if delaying publication would significantly damage the execution of funded functions at the agency.

Under the August 16, 1995 opinion of the Office of Legal Counsel of the Department of Justice (OLC), *Government Operations in the Event of a Lapse in Appropriations*, exempt functions and services would include activities such as those related to the constitutional duties of the President, food and drug inspection, air traffic control, responses to natural or manmade disasters, law enforcement, and supervision of financial markets. Documents related to normal or routine activities of Federal agencies, even if funded under prior year appropriations, will not be published unless they were received and scheduled for publication before the funding lapse began.

In another opinion, issued on December 13, 1995, *Effect of Appropriations for Other Agencies and Branches on the Authority to Continue Department of Justice Functions During the Lapse in the Department's Appropriations*, the OLC found that the necessary-implication exception allowed unfunded agencies to provide support to funded agencies or programs under certain conditions. Based on OLC interpretation of the December 13, 1995 opinion, as this applies to the OFR, if an agency with current appropriations submits a document for publication and certifies that delaying publication until the end of the appropriations lapse would prevent or significantly damage the execution of funded functions at the agency, then publication in the **Federal Register** would be a function or service excepted under the Antideficiency Act.

At the onset of an appropriations lapse, the OFR may suspend the regular publication schedule to permit a limited number of exempt personnel to process excepted documents. Agency officials will be informed as to the schedule for filing and publishing individual documents.

OFR has posted frequently asked questions and excepted letter templates on the following website, which will be updated as necessary:
www.archives.gov/federal-register/agencies/shutdown-faqs.

Authority: 44 U.S.C. 1502; 1 CFR 2.4 and 5.1.

Oliver A. Potts,

Director of the Federal Register.

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

National Council on the Arts 217th Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act, as amended, notice is hereby given that a meeting of the National Council on the Arts will be held open to the public. Additional sessions will be closed to the public for reasons stated below.

DATES: See the **SUPPLEMENTARY INFORMATION** section for meeting time and date.

ADDRESSES: The National Endowment for the Arts, Constitution Center, 400 Seventh Street SW, Washington, DC 20560. Please see arts.gov for the most up-to-date information, including meeting location.

FOR FURTHER INFORMATION CONTACT: Office of Public Affairs, National Endowment for the Arts, Washington, DC 20506, at PublicAffairs@arts.gov.

SUPPLEMENTARY INFORMATION: The meeting will take place on October 29 and 30, 2025. The meeting on October 30, 2025, from 11:00 a.m. to 12:00 p.m., will be open to the public. If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b, and in accordance with the March 11, 2022 determination of the Chair. Additionally, discussion concerning purely personal information about individuals, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b. The meeting session that occurs on October 29, 2025, will be closed to the public for the aforementioned reasons.

Detailed Meeting Information:

Closed Session: October 29, 2025; 2:00 p.m. to 4:00 p.m. Location: National Endowment for the Arts, Washington, DC Please see arts.gov for the most up-to-date information, including meeting location.

Open Session: October 30, 2025; 11:00 a.m. to 12:00 p.m. Location: National Endowment for the Arts, Washington, DC There will be a discussion of general agency business. Please see arts.gov for