

including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband. *Id.* Consistent with that mandate, the President's Executive Order on Securing Our Borders directs that I take all appropriate action to deploy and construct physical barriers to ensure complete operational control of the southern border of the United States. Executive Order 14165, section 3 (Jan. 20, 2025).

Congress has provided to the Secretary of Homeland Security a number of authorities necessary to carry out DHS's border security mission. One of those authorities is found at section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended ("IIRIRA"). Public Law 104-208, Div. C, 110 Stat. 3009-546, 3009-554 (Sept. 30, 1996) (8 U.S.C. 1103 note), as amended by the REAL ID Act of 2005, Public Law 109-13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109-367, section 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110-161, Div. E, Title V, section 564, 121 Stat. 2090 (Dec. 26, 2007). In section 102(a) of IIRIRA, Congress provided that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress mandated that in carrying out the authority of section 102(a), I provide for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors to achieve and maintain operational control of the border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that I, in my sole discretion, determine necessary to ensure the expeditious construction of barriers and roads authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The United States Border Patrol San Diego Sector is an area of high illegal entry. Between fiscal year 2021 and July 2025, the United States Border Patrol ("Border Patrol") apprehended over 922,000 illegal aliens attempting to enter the United States between border

crossings in the San Diego Sector. In that same time period, Border Patrol seized over 2,465 pounds of marijuana, over 9,873 pounds of cocaine, over 565 pounds of heroin, over 29,675 pounds of methamphetamine, and over 4,016 pounds of fentanyl.

Since the President took office, DHS has delivered the most secure border in history. More can be done, however. Because the San Diego Sector is an area of high illegal entry where illegal aliens regularly attempt to enter the United States or smuggle illicit drugs, and given my mandate to achieve and maintain operational control of the border, I must use my authority under section 102 of IIRIRA to install additional barriers and roads in the San Diego Sector. Therefore, DHS will take immediate action to construct additional barriers and roads in the San Diego Sector.

Section 2

I determine that the San Diego Sector, which is in the vicinity of the United States border and located in the state of California, is an area of high illegal entry.

There is presently an acute and immediate need to construct physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States and achieve and maintain operational control of the border in the San Diego Sector pursuant to sections 102(a) and 102(b) of IIRIRA. In order to ensure the expeditious construction of the barriers and roads in the San Diego Sector, I have determined that it is necessary that I exercise the authority that is vested in me by section 102(c) of IIRIRA. Accordingly, pursuant to section 102(c) of IIRIRA, I hereby waive with respect to all contracting actions necessary for the construction of physical barriers and roads (including, but not limited to, accessing the project areas, creating and using staging areas, the conduct of earthwork, excavation, fill, and site preparation, and installation and upkeep of physical barriers, roads, supporting elements, drainage, erosion controls, safety features, lighting, cameras, and sensors) in the San Diego Sector, all of the following statutes and regulations, including any legal requirements of, deriving from, or related to the subject of, the following statutes and regulations: the Administrative Procedure Act (5 U.S.C. 551, *et seq.*); 15 U.S.C. 631(j); 15 U.S.C. 637(d)-(f), and (h)-(k); 15 U.S.C. 644; 15 U.S.C. 657q; 28 U.S.C. 1491(b) (to the extent that it authorizes injunctive relief or any form thereof that would interfere with the expeditious construction of barriers and

roads); 31 U.S.C. 3553(c) and (d)(3); 40 U.S.C. 1101 *et seq.*; 41 U.S.C. 1126; 41 U.S.C. 1708(a), (c), (e)-(g); 41 U.S.C. 1901(c), (d), and (e); 41 U.S.C. 3301; 41 U.S.C. 3302(b)-(e); 41 U.S.C. 3304; 41 U.S.C. 3306(a)-(c); 41 U.S.C. 3307(b)-(d), (e)(4), and (e)(5)(C); 41 U.S.C. 3309; 41 U.S.C. 3502; Section 880 of Division A, Title VIII of Public Law 115-232 (41 U.S.C. 3701, Note); 41 U.S.C. 4103(c), (d)(3)-(4); 41 U.S.C. 4104(b); 41 U.S.C. 4105(c)-(d), (f)(2)-(3), (g); 41 U.S.C. 4106(c)-(d); 41 U.S.C. 6101(b)(1); 13 CFR part 125, and 127.503(g); 48 CFR 7.102; 48 CFR part 10; 48 CFR 16.504(c); 48 CFR 16.505(a)(4), (a)(8)(i) and (iii), (a)(9), and (b); 48 CFR 17.207; 48 CFR 22.404-5; 48 CFR subpart 22.5; 48 CFR 28.102-1(c); 48 CFR 33.103(f).

This waiver does not revoke or supersede any other waiver determination made pursuant to section 102(c) of IIRIRA. Such waivers shall remain in full force and effect in accordance with their terms. I reserve the authority to execute further waivers from time to time as I may determine to be necessary under section 102 of IIRIRA.

Kristi Noem,

Secretary of Homeland Security.

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POSTAL REGULATORY COMMISSION

Docket Nos. MC2025-1732 and K2025-1723; Order No. 9234]

Competitive Postal Products

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is recognizing a recent Postal Service filing requesting to add a new Mid-Market Non-Published Rates (MMNPR-3) to the Competitive Product List. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 14, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Postal Service Requests
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I. Introduction

On September 30, 2025, the Postal Service filed a request to add a new Mid-Market Non-Published Rates (MMNPR–3) to the Competitive product list pursuant to 39 U.S.C. 3642 and 3633, and 39 CFR 3035.105(a), 3041.205, and 3041.320.¹

II. Postal Service Requests

Background. The Commission adopted rules for streamlined option rulemakings in Docket No. RM2023–5 to “address elements of 39 U.S.C. [] 3642 review and 39 U.S.C. [] 3633 pre-implementation review that are broadly applicable to qualifying [negotiated service agreements (NSAs)], and not particular to individual qualifying NSAs.”² Specifically, such proceedings are used to establish eligibility criteria specifying the ways in which qualifying NSAs will be permitted to vary from existing offerings, to review a proposed financial model for qualifying NSAs that accounts for the financial impact of any such variations, and to establish minimum rates for qualifying NSAs. Order No. 7353 at 4.

Non-Published Rates (NPR). Requests to add conforming NPR NSA products to the Competitive product list are reviewed in public proceedings, and, if approved, one or more included contracts using the same contract template may be subsequently added to the product without requiring further approval from the Commission. See 39 CFR 3041.320.

The Postal Service describes the Request as one to establish “a new set of included contracts under the Mid-Market Non-Published Rates product within the *Mail Classification Schedule* (MCS), to be labeled Mid-Market—Non-Published Rates 3 (MMNPR–3), and approve the associated MMNPR–3 contract template.” Request at 1. The Postal Service states the proposed “MMNPR group will consist of contracts with mid-size customers who wish to ship Priority Mail Express, Priority Mail, and/or USPS Ground Advantage® packages with the Postal Service” and will be based on the existing MMNPR

financial model and minimum rates previously approved by the Commission in Order No. 8617 in Docket No. RM2025–5.³ The Postal Service states that the Request includes a contract template that is an “updated and consolidated version of the MMNPR–2 templates originally presented in Docket No. K2025–1124.”⁴ The Postal Service also states that the template includes common operative components, specifically, the terms that address the applicability of future surcharges, time-limited price changes, appeals, confidentiality, duration (1–3 years), mutual termination for convenience upon a negotiable notice period, and lack of provided packaging. Request at 3.

The Postal Service states that the MMNPR–3 template also contains optional provisions for customers to utilize one of three pricing mechanisms: (1) tiered annual pricing; (2) tiered previous quarter pricing; and (3) tiered rolling quarter pricing. *Id.* The Postal Service asserts that:

The selection of one of these optional provisions will not be inconsistent with the standards of 39 U.S.C. [] 3633, as the pricing mechanisms will not have any effect on the underlying financials of any given MMNPR–3 contract, and all included contracts will remain consistent with the financial model submitted in Docket No. RM2025–5.

Id. at 4. The Postal Service further asserts that “none of the pricing mechanisms will introduce any new cost element, establish a new service offering, or impose any specific new requirements on the customer.” *Id.*

III. Notice and Comment

The Commission establishes Docket Nos. MC2025–1732 and K2025–1723 for consideration of matters raised by the Request. Interested persons may submit comments. Comments are due no later than October 14, 2025. More information on the proceedings may be accessed via the Commission’s website at <https://www.prc.gov>.

Pursuant to 39 U.S.C. 505, Christopher Mohr is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in these

³ *Id.*; see Docket No. *et al.*, RM2025–5, Order Authorizing Streamlined Review for Eligible Mid-Market Standardized Distinct Products and Non-Published Rates Products and Adding Non-Published Rates Products to the Competitive Product List, January 15, 2025, at 4 (Order No. 8617).

⁴ Request at 3; see Docket No. RM2025–5, *et al.*, USPS Request to Establish New Mid-Market—Non-Published Rates Product (MMNPR) and Notice of Filing Materials Under Seal, November 22, 2024 (Docket No. RM2025–5, *et al.*, Request).

proceedings. The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2025–1732 and K2025–1723 for consideration of the matters raised by the USPS Request to Establish New Mid-Market Non-Published Rates (MMNPR–3) and Notice of Filing Materials Under Seal, filed September 30, 2025.

2. Comments by interested persons are due no later than October 14, 2025.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Christopher Mohr to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in these dockets.

4. The Secretary shall arrange for the publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2025–19558 Filed 10–14–25; 8:45 am]

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POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–180; K2025–726; MC2026–10 and K2026–10; MC2026–16 and K2026–17; MC2026–17 and K2026–18]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission’s consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 17, 2025.

ADDRESSES: Submit comments electronically via the Commission’s Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

¹ Docket Nos. MC2025–1732 and K2025–1723, USPS Request to Establish New Mid-Market Non-Published Rates Product (MMNPR–3) and Notice of Filing Materials Under Seal, September 30, 2025 (Request); see Request at 1 n.1.

² Docket No. RM2023–5, Final Order Amending Rules Regarding Competitive Negotiated Service Agreements, August 9, 2024, at 4 (Order No. 7353).