

and take appropriate action or make the proposed Order final.

## II. The Respondents

Respondents are building services contractors headquartered in Rutherford, New Jersey that provide building maintenance, janitorial, concierge, valet, and security services. Respondent Adamas Amenity Services LLC provides services relating to residential building amenities such as pool and fitness facilities. Respondent Adamas Building Services LLC provides janitorial and maintenance services. Respondent Adamas Concierge LLC handles front desk, doorman, and lobby attendant services. Respondent Adamas Parking LLC provides parking garage and valet services. Respondent Adamas Security LLC handles unarmed security services. A substantial majority of Respondents' work relates to residential buildings.

## III. The Complaint

The complaint alleges that Respondents sell building services to building owners and property management companies, primarily consisting of the labor of janitors, security guards, maintenance workers, and concierge desk workers who are directly employed by Respondents. These employees perform their work predominantly in New Jersey and New York City.

The complaint also alleges that Respondents and their building owner and property manager customers are direct competitors in labor markets for building services workers. These include the markets for workers to perform concierge, security, janitorial, maintenance, and related services.

As alleged in the complaint, Respondents use standard-form agreements with their customers that include No-Hire Agreements. The No-Hire Agreements restrict the ability of Respondents' customers to (1) directly hire workers employed by Respondents and (2) indirectly hire workers employed by Respondents through a competing building services contractor after the competitor wins the customers' business away from Respondents. These restrictions apply during the term of Respondents' contracts and for six months thereafter. The restrictions against hiring apply not just to Respondents' employees staffed to provide services for a particular customer, but to all of Respondents' building services employees.

The complaint alleges that Respondents' No-Hire Agreements are anticompetitive because they eliminate direct, horizontal, and significant forms

of competition to attract labor in the U.S. building services industry. These agreements deny employees access to job opportunities, restrict their mobility, and deprive them of competitively significant information that they could have used to negotiate for better terms of employment. The complaint further alleges that any legitimate objectives of Respondents' conduct could have been achieved through significantly less restrictive means. Among other terms, the scope and duration of the No-Hire Agreements are not reasonably necessary to achieve any claimed pro-competitive purpose of Respondents' building services contracts. For these reasons, the complaint alleges that the No-Hire Agreements constitute unreasonable restraints of trade that violate section 1 of the Sherman Act, 15 U.S.C. 1, and are thus unfair methods of competition in violation of section 5 of the FTC Act.

Independent of the Sherman Act, the complaint alleges that Respondents' conduct constitutes an unfair method of competition with a tendency or likelihood to harm competition, consumers, and employees in the building services industry, in violation of section 5 of the FTC Act. According to the complaint, the No-Hire Agreements limit the ability of building owners and competing building service contractors to hire Respondents' employees. This harms Respondents' employees because it limits their ability to negotiate for higher wages, better benefits, and improved working conditions. Employees may suffer further hardship if the building they work at changes management, because the No-Hire Agreements force them to leave their jobs in some circumstances. The complaint further alleges that the No-Hire Agreements harm building owners and managers because they may be foreclosed from seeking or accepting bids from Respondents' competitors due to the prospect of losing long-serving workers with extensive, building-specific experience.

## IV. Proposed Order

The proposed Order seeks to remedy Respondents' unfair methods of competition. Section II of the proposed Order prohibits Respondents from entering or attempting to enter, maintaining or attempting to maintain, enforcing or attempting to enforce, or threatening to enforce a No-Hire Agreement, or communicating to a customer or any other person that any Adamas employee is subject to a No-Hire Agreement.

Paragraph III.A of the proposed Order requires Respondents to provide written

notice to customers that are subject to No-Hire Agreements that (i) the restriction is null and void, and (ii) any customer or a subsequent building services contractor for a customer is no longer subject to the restrictions or penalties related to the No-Hire Agreements in Respondents' contracts.

Paragraph III.B of the proposed Order requires Respondents to provide written notices to employees who are subject to a No-Hire Agreement. Paragraph III.C requires that Respondents post clear and conspicuous notice that employees are not subject to No-Hire Agreements and may seek or accept a job with the building directly, or any company that wins the building's business.

Paragraphs IV.A and IV.B of the proposed Order require that Respondents immediately cease enforcing No-Hire Agreements and, within 30 days after the Order is issued, provide key employees of Respondents with a copy of the Order and Complaint. Paragraphs IV.C–E set forth Respondents' ongoing compliance obligations.

Other paragraphs contain standard provisions regarding compliance reports, requirements for Respondents to provide notice to the FTC of material changes to their business, and access for the FTC to documents and personnel. The term of the proposed Order is ten years.

The purpose of this analysis is to facilitate public comment on the Consent Agreement and proposed Order to aid the Commission in determining whether it should make the proposed Order final. This analysis is not an official interpretation of the proposed Order and does not modify its terms in any way.

By direction of the Commission.

**April J. Tabor,**  
*Secretary.*

[FR Doc. 2025–23716 Filed 12–22–25; 8:45 am]

**BILLING CODE 6750–01–P**

## FEDERAL TRADE COMMISSION

### Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Federal Trade Commission ("FTC" or "Commission") is seeking public comment on its proposal to extend for an additional three years the Office of Management and Budget clearance for information collection requirements of its Affiliate Marketing Rule, which applies to

certain motor vehicle dealers, and its shared enforcement with the Consumer Financial Protection Bureau (“CFPB”) of the provisions (subpart C) of the CFPB’s Regulation V regarding other entities (“CFPB Rule”). The current clearance expires on April 30, 2026.

**DATES:** Comments must be received on or before February 23, 2026.

**ADDRESSES:** Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write “Paperwork Reduction Act Comment: FTC File No. P072108” on your comment, and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** David Walko, Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2880.

**SUPPLEMENTARY INFORMATION:**

*Title:* Affiliate Marketing Rule (16 CFR part 680).

*OMB Control Number:* 3084–0131.

*Type of Review:* Extension of currently approved collection.

*Affected Public:* Businesses and other for-profit entities.

*Estimated Annual Burden Hours:* 7,880.

*Estimated Annual Labor Costs:* \$429,838.

*Estimated Annual Non-Labor Costs:* *de minimis*.

*Abstract:* As required by section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), the FTC is providing this opportunity for public comment before requesting that the Office of Management and Budget (“OMB”) extend the existing clearance for the information collection requirements contained in the Affiliate Marketing Rule.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”) was enacted on July 21, 2010.<sup>1</sup> The Dodd-Frank Act transferred to the CFPB most of the FTC’s rulemaking authority for the Affiliate Marketing provisions of the Fair Credit Reporting Act (“FCRA”).<sup>2</sup> The FTC

retained rulemaking authority for its Affiliate Marketing Rule (16 CFR part 680) solely for motor vehicle dealers described in section 1029(a) of the Dodd-Frank Act as predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.<sup>3</sup> Additionally, the FTC shares enforcement authority with the CFPB and other agencies for provisions of Regulation V subpart C (12 CFR 1022.20–1022.27) that apply to entities other than those specified above.<sup>4</sup>

As mandated by section 214 of the Fair and Accurate Credit Transactions Act (“FACT Act”), Public Law 108–159 (Dec. 6, 2003), the Affiliate Marketing Rule (“Rule”) requires covered entities to provide consumers with notice and an opportunity to opt out of the use of certain information before sending marketing solicitations. The Rule generally provides that, if a company communicates certain information about a consumer (eligibility information) to an affiliate, the affiliate may not use it to make or send solicitations to the consumer unless the consumer is given notice and a reasonable opportunity to opt out of such use of the information and does not opt out.

To minimize compliance costs and burdens for entities, particularly any small businesses that may be affected, the Rule contains model disclosures and opt-out notices that may be used to satisfy the statutory requirements. The Rule also gives covered entities flexibility to satisfy the notice and opt-out requirement. Covered entities may send the consumer a free-standing opt-out notice to satisfy the Rule’s requirements or add the opt-out notice to privacy notices already provided to consumers, such as those provided in accordance with the provisions of Title V, subtitle A of the Gramm Leach Bliley Act (“GLBA”).<sup>5</sup> As a result, the time necessary to prepare or incorporate an opt-out notice is likely to be minimal

because covered entities may either use the model disclosure verbatim or base their own disclosures upon it.

Moreover, verbatim adoption of the model notice does not constitute a PRA “collection of information.”<sup>6</sup> The Rule also provides that affiliated companies may send a joint disclosure to consumers, thereby eliminating the need for each affiliate to send a separate disclosure. Staff anticipates that affiliated entities will choose to send a joint notice, which will reduce the number of notices required under the Rule.

**Burden Statement**

Under the PRA, 44 U.S.C. 3501–3521, the FTC is requesting that OMB renew the clearance (OMB Control Number 3084–0131) for the information collection burden associated with the Rule. Staff estimates that there are approximately 47,057 franchise/new car and independent/used car dealers in the U.S.<sup>7</sup> Applying an estimated rate of affiliation of 16.75%, staff estimates that there are approximately 7,882 motor vehicle dealerships in affiliated families that may be subject to the Rule’s affiliate sharing obligations. Staff further estimates an average of five businesses per family or affiliated relationship, and anticipates that affiliated entities will choose to send a joint notice as permitted by the Rule. Therefore, staff estimates that approximately 1,576 covered motor vehicle business families would be subject to the Rule.

Staff assumes that all or nearly all motor vehicles subject to the Rule’s provisions are also subject to the Commission’s Privacy of Consumer Financial Information Rule under the Gramm-Leach-Bliley Act (16 CFR part 313) (“Privacy Rule”). Entities that are subject to the Commission’s GLBA Privacy Rule already provide privacy notices to their customers. Absent an exception, financial institutions must provide an initial privacy notice at the time the customer relationship is established and then annually so long as

<sup>3</sup> See Dodd-Frank Act sec. 1029(a), (c).

<sup>4</sup> While the FTC shares enforcement authority with the Federal Reserve System, Commodity Futures Trading Commission, National Credit Union Administration, Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation for the CFPB’s counterpart affiliate sharing rule, Regulation V (Subpart C), 12 CFR 1022.20–1022.27, the CFPB has assumed 95% of the burden associated with its affiliate sharing rule. See Consumer Financial Protection Bureau, *Agency Information Collection Activities: Submission for OMB Review; Comment Request*, 85 FR 52559 (Aug. 26, 2020); CFPB Supporting Statement, *Fair Credit Reporting Act (Regulation V)* 12 CFR 1022, OMB Control Number: 3170–0002 (2020). In addition, the CFPB has estimated that the burden associated with Regulation V’s affiliate sharing provisions is *de minimis*.

<sup>5</sup> 15 U.S.C. 6801 *et seq.*

<sup>6</sup> “The public disclosure of information originally supplied by the Federal government to the recipient for purpose of disclosure to the public is not included within [the definition of collection of information].” 5 CFR 1320.3(c)(2).

<sup>7</sup> See Notice of Paperwork Reduction Act Clearance for Information Collection Requirements in the Used Motor Vehicle Trade Regulation Rule, 90 FR 56147, 56147 (Dec. 5, 2025). (This figure is based on estimates made by the U.S. Census Bureau. See 2023 U.S. Census Bureau Data, showing 25,147 establishments for “used car dealers,” NAICS code 44112 and 21,910 “new car dealers,” NAICS code 44111, available at [https://data.census.gov/profile/44112\\_-\\_Used\\_Car\\_Dealers?codeset=naics-44112&g=010XX00US](https://data.census.gov/profile/44112_-_Used_Car_Dealers?codeset=naics-44112&g=010XX00US) and [https://data.census.gov/profile/44111\\_-\\_New\\_car\\_dealers?codeset=naics-44111&g=010XX00US](https://data.census.gov/profile/44111_-_New_car_dealers?codeset=naics-44111&g=010XX00US).)

<sup>1</sup> Public Law 111–203, 124 Stat. 1376 (2010).

<sup>2</sup> 15 U.S.C. 1681 *et seq.*

the relationship continues. 15 U.S.C. 6803. Staff's estimates assume that in all or nearly all cases covered institutions will choose to incorporate the affiliate marketing opt-out notice into the initial and annual GLBA privacy notices. In 2015, Congress, as part of the FAST Act, amended the GLBA to provide an exception under which financial institutions that meet certain conditions are not required to provide annual notices to customers.<sup>8</sup> Staff seeks comment on how the use of this exception by institutions that are required to provide an affiliate marketing notice will impact the burden estimates for these entities. Institutions that claim the FAST Act exemption and forego sending required annual privacy

notices in some years will nonetheless be required to send a separate affiliate marketing notice to comply with their obligations under the Rule.

Staff estimates that the 1,576 covered motor vehicle business families will spend on average about 5 hours per year to comply with the Affiliate Sharing Rule beyond their separate obligations under the Privacy Rule, yielding a total annual hours of burden of 7,880 hours. Staff's estimates take into account the time necessary to determine compliance obligations; create the notice and opt-out, in either paper or electronic form; and disseminate the notice and opt-out. Staff's estimates presume that the availability of model disclosures and opt-out notices will simplify the compliance review and implementation

processes, thereby significantly reducing the compliance burden.

Staff estimates the associated labor cost by adding the hourly mean private sector wages for managerial, technical, and clerical work and multiplying that sum by the estimated number of hours. The private sector hourly wages for these classifications are \$68.15, \$56.16, and \$24.12, respectively.<sup>9</sup> Estimated hours spent for each category are 2, 2, and 1, respectively. Multiplying each occupation's hourly wage by the associated time estimate, yields the annual labor cost burden per respondent which is then multiplied by the estimated number of respondents to determine the cumulative annual labor cost burden: \$429,838 per year.

Hourly wage and labor category	Hours per respondent	Total hourly labor cost	Number of respondents	Approx. total annual labor costs
\$68.15 Management Employees .....	2	\$136.30	1,576	\$214,809
\$56.16 Technical Staff .....	2	112.32	.....	177,016
\$24.12 Clerical Workers .....	1	24.12	.....	38,013
Total .....	.....	.....	.....	429,838

Because the FACT Act and the Rule contemplate that the affiliate marketing notice can be included in the GLBA notices, the capital and non-labor cost burden on regulated entities would be greatly reduced. Covered entities typically already provide notices to their customers so there are no new capital or non-labor costs, as the affiliate marketing notice may be consolidated into their annual privacy notice. Thus, staff estimates that any capital or non-labor costs associated with compliance for these entities are *de minimis*.

### Request for Comments

Pursuant to section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of maintaining records and

providing disclosures to consumers. All comments must be received on or before February 23, 2026.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before February 23, 2026. Write "Paperwork Reduction Act Comment: FTC File No. P072108" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the <https://www.regulations.gov> website.

If you prefer to file your comment on paper, write "Paperwork Reduction Act Comment: FTC File No. P072108" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex J), Washington, DC 20580.

Because your comment will become publicly available at <https://www.regulations.gov>, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal

information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any "trade secret or any commercial or financial information which . . . is privileged or confidential"—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies

<sup>8</sup> Fixing America's Surface Transportation Act ("FAST Act"), Public Law 114–94, 129 Stat. 1312, Section 75001 (Dec. 4, 2015) (amending 15 U.S.C. 6803 to exempt financial institutions from the annual notice requirement if they meet certain criteria, and if they have not changed their policies and practices with regard to disclosing nonpublic

personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers).

<sup>9</sup> The classifications used are "Management Occupations" for managerial employees, "Computer and Mathematical Occupations" for technical staff, and "Office and Administrative

Support" for clerical workers. See National employment and wage data from the Occupational Employment and Wage Statistics survey by occupation, May 2024, U.S. Bureau of Labor Statistics, last modified April 2, 2025: <https://www.bls.gov/news.release/ocwage.t01.htm>.

the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at [www.regulations.gov](http://www.regulations.gov), we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 23, 2026. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

**Josephine Liu,**

*Assistant General Counsel for Legal Counsel.*

[FR Doc. 2025-23696 Filed 12-22-25; 8:45 am]

**BILLING CODE 6750-01-P**

## GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0315; Docket No. 2025-0001; Sequence No. 20]

### Information Collection; Ombudsman Inquiry/Request Instrument

**AGENCY:** Office of Acquisition Policy, Office of the Procurement Ombudsman (OPO), General Services Administration (GSA).

**ACTION:** Notice and request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the OMB a request to review and approve a reinstatement of an information collection requirement regarding OMB Control No. 3090-0315; Ombudsman Inquiry/Request Instrument.

**DATES:** Submit comments on or before February 23, 2026.

**ADDRESSES:** Submit comments regarding this collection via <http://www.regulations.gov> and follow the instructions on the site. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Comment Now" that corresponds with

"Information Collection 3090-0315." Please include your name, company name (if any) and "Information Collection 3090-0315, Ombudsman Inquiry Request/Request Instrument" on your attached document.

**Instructions:** Please submit comments only and cite Information Collection 3090-0315; Ombudsman Inquiry/Request Instrument, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov).

**FOR FURTHER INFORMATION CONTACT:** Frederick Landry, GSA Procurement Ombudsman & Industry Liaison, at telephone 202-501-4755.

### SUPPLEMENTARY INFORMATION:

#### A. Purpose

The online intake Instrument on the GSA Ombudsman's web page receives inquiries from vendors who are currently doing business with or interested in doing business with GSA. The inquiries are collected by the GSA Ombudsman and routed to the appropriate office for resolution and/or implementation in the case of recommendations for process or program improvements. Reporting of the data collected helps highlight thematic issues that vendors encounter with GSA acquisition programs, processes, or policies, and identify areas where training is needed. The information collected also assists in identifying and analyzing patterns and trends to help improve efficiencies and lead to improvements in current practices.

#### B. Annual Reporting Burden

*Maximum Potential Respondents:* 118.

*Responses per Respondent:* 1.

*Total Maximum Potential Annual*

*Responses:* 118.

*Hours per Response:* .25.

*Total Burden Hours:* 29.5.

#### C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the

information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**Obtaining Copies:** Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division at [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov). Please cite OMB Control No. 3090-0315, Ombudsman Inquiry/Request Instrument, in all correspondence.

**Obtaining Copies of Proposals:** Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202-501-4755 or emailing [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov). Please cite "Information Collection 3090-0315, Ombudsman Inquiry/Request Instrument", in all correspondence.

**Nicole Bynum,**

*Regulatory Program Specialist, General Services Administration.*

[FR Doc. 2025-23718 Filed 12-22-25; 8:45 am]

**BILLING CODE 6820-61-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2023-D-2204]

### Formal Dispute Resolution and Administrative Hearings of Final Administrative Orders Under Section 505G of the Federal Food, Drug, and Cosmetic Act; Guidance for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled "Formal Dispute Resolution and Administrative Hearings of Final Administrative Orders Under Section 505G of the Federal Food, Drug, and Cosmetic Act." This guidance provides recommendations for industry and review staff on the formal dispute resolution (FDR) and administrative hearings procedures for resolving scientific and/or medical disputes between the Center for Drug Evaluation and Research (CDER) and requestors and sponsors of drugs that will be subject to a final administrative