

**§ 747.402 [Amended]**

■ 55. In § 747.402(b), remove the word “or” between the words “dissipation” and “credit” and add in its place the word “of”.

**PART 748—SECURITY PROGRAM, REPORT OF SUSPECTED CRIMES, SUSPICIOUS TRANSACTIONS, CATASTROPHIC ACTS AND BANK SECRECY ACT COMPLIANCE**

■ 56. The authority citation for part 748 continues to read as follows:

**Authority:** 12 U.S.C. 1766(a), 1786(q); 15 U.S.C. 6801–6809; 31 U.S.C. 5311 and 5318.

**Appendix B to Part 748 [Amended]**

■ 57. Amend appendix B to part 748 as follows:

■ a. In footnote 34, remove the word “identify” and add, in its place, the word “identity”;

■ b. In footnote 39, remove the word “Suspicious” and add, in its place, the word “Suspicious”; and

■ c. In footnote 39, remove the word “Issues” and add, in its place, the word “Issues”.

**PART 750—GOLDEN PARACHUTE AND INDEMNIFICATION PAYMENTS**

■ 58. The authority citation for part 750 continues to read as follows:

**Authority:** 12 U.S.C. 1786(t).

**§ 750.5 [Amended]**

■ 59. In § 750.5(a)(3), add a space between the word “in” and “§ 750.1(j)”.

**§ 750.6 [Amended]**

■ 60. In § 750.6(a), in the first sentence, add a space between the word “to” and “§ 750.1(d)(2)(v)”.

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**DEPARTMENT OF COMMERCE**

**15 CFR Chapter VII**

[Docket Number 200928–0256]

RIN 0605–XD009

**Identification of Prohibited Transactions To Implement Executive Order 13942 and Address the Threat Posed by TikTok and the National Emergency With Respect to the Information and Communications Technology and Services Supply Chain; Preliminary Injunction Order Entered by a Federal District Court**

**AGENCY:** Office of the Secretary, U.S. Department of Commerce.

**ACTION:** Notification of preliminary injunction.

**SUMMARY:** The U.S. Department of Commerce (“Department”) is issuing this document to inform the public of a preliminary injunction ordered by a United States district court on September 27, 2020, preventing the implementation of specific Department actions.

**DATES:** The court order was effective September 27, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Smith, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1859.

*For media inquiries:* Meghan Burris, Director, Office of Public Affairs, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4883.

**SUPPLEMENTARY INFORMATION:** On September 24, 2020, the Department published the “Identification of Prohibited Transactions to Implement Executive Order 13942 and Address the Threat Posed by TikTok and the National Emergency with Respect to the Information and Communications Technology and Services Supply Chain” (the “Identification”) in the **Federal Register** at 85 FR 60061. The Identification provided that the following transactions would be prohibited:

1. Any provision of services to distribute or maintain the TikTok mobile application, constituent code, or application updates through an online mobile application store, or any online marketplace where mobile users within the land or maritime borders of the United States and its territories may download or update applications for use on their mobile devices;

2. Any provision of internet hosting services enabling the functioning or optimization of the TikTok mobile application within the land and maritime borders of the United States and its territories;

3. Any provision of content delivery network services enabling the functioning or optimization of the TikTok mobile application within the land and maritime borders of the United States and its territories;

4. Any provision of directly contracted or arranged internet transit or peering services enabling the functioning or optimization of the TikTok mobile application within the land and maritime borders of the United States and its territories;

5. Any utilization of the TikTok mobile application’s constituent code, functions, or services in the functioning of software or services developed and/or accessible within the land and maritime borders of the United States and its territories; or

6. Any other transaction by any person, or with respect to any property, subject to the jurisdiction of the United States, with ByteDance Ltd., or its subsidiaries, including TikTok Inc., in which any such company has any interest, as may be identified at a future date under the authority delegated under Executive Order 13942.

Transactions identified in paragraph 1 above were to be prohibited at 11:59 p.m. eastern standard time on September 27, 2020; transactions identified in paragraphs 2, 3, 4, and 5 above were to be prohibited at 11:59 p.m. eastern standard time on November 12, 2020.

**Preliminary Injunction**

On September 18, 2020, TikTok Inc. filed a lawsuit in the United States District Court for the District of Columbia (*TikTok Inc. et al. v. Trump et al.*, No. 20–cv–02658), seeking various relief, including a court order to prohibit the Department from implementing or enforcing Executive Order 13942 or the identified prohibited transactions. Plaintiffs subsequently filed a motion for a preliminary injunction to pursue such relief.

On September 27, 2020, the District Court issued an Order granting in part and denying in part the Plaintiffs’ motion for a preliminary injunction. This Order enjoined the Department from implementing the prohibition on transactions identified in Paragraph 1 above.

The Department is complying with the terms of this order. Accordingly, this serves as NOTICE that the Secretary’s prohibition of identified transactions (limited to the transactions identified in Paragraph 1 above) pursuant to Executive Order 13942, related to TikTok, HAS BEEN ENJOINED, and WILL NOT GO INTO EFFECT, pending further legal developments.

Any further guidance and updates regarding the subject litigation will be posted on the Department website ([www.commerce.gov](http://www.commerce.gov)) on an ongoing basis.

**Dated: September 29, 2020.**

This document of the Department of Commerce was signed on September 29, by Wilbur Ross, Secretary of Commerce. That document with the original signature and date is maintained by the Department of Commerce. For administrative purposes only,

and in compliance with requirements of the Office of the Federal Register, the undersigned Department of Commerce Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Commerce. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 29, 2020.

**Asha Mathew,**

*Federal Register Liaison Officer, U.S. Department of Commerce.*

[FR Doc. 2020-21897 Filed 9-30-20; 1:00 pm]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1308

[Docket No. DEA-633]

#### Schedules of Controlled Substances: Placement of Crotonyl Fentanyl in Schedule I

**AGENCY:** Drug Enforcement Administration, Department of Justice.  
**ACTION:** Final amendment; final order.

**SUMMARY:** With the issuance of this final order, the Acting Administrator of the Drug Enforcement Administration maintains the placement of crotonyl fentanyl ((*E*)-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbut-2-enamide), including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, in schedule I of the Controlled Substances Act. This scheduling action discharges the United States' obligations under the Single Convention on Narcotic Drugs (1961). This action continues to impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research or conduct instructional activities with, or possess), or propose to handle crotonyl fentanyl.

**DATES:** Effective October 2, 2020.

**FOR FURTHER INFORMATION CONTACT:** Scott A. Brinks, Regulatory Drafting and Policy Support Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3261.

**SUPPLEMENTARY INFORMATION:**

#### Legal Authority

The United States is a party to the 1961 United Nations Single Convention on Narcotic Drugs ("Single

Convention"), March 30, 1961, 18 U.S.T. 1407, 570 U.N.T.S. 151, as amended. Article 3, paragraph 7 of the Single Convention requires that if the Commission on Narcotic Drugs ("Commission") adds a substance to one of the schedules of such Convention, and the United States receives notification of such scheduling decision from the Secretary-General of the United Nations ("Secretary-General"), the United States, as a signatory Member State, is obligated to control the substance under its national drug control legislation. Under 21 U.S.C. 811(d)(1) of the Controlled Substances Act (CSA), if control of a substance is required "by United States' obligations under international treaties, conventions, or protocols in effect on October 27, 1970," the Attorney General must issue an order permanently controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by 21 U.S.C. 811(a) or 812(b), and without regard to the procedures prescribed by 21 U.S.C. 811(a) and (b). The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the Drug Enforcement Administration (Administrator of DEA or Administrator). 28 CFR 0.100.

#### Background

On February 6, 2018, DEA issued a temporary scheduling order, placing fentanyl-related substances, as defined in the order, in schedule I of the CSA. 83 FR 5188. That order was based on findings by the former Acting Administrator that the temporary scheduling of this class of substances was necessary to avoid an imminent hazard to the public safety; the order was codified at 21 CFR 1308.11(h)(30). On April 19, 2019, in the **Federal Register**, DEA provided the chemical name for crotonyl fentanyl, along with four other substances, identifying how these individual substances met the definition for fentanyl-related substances,<sup>1</sup> and, as such, were already covered by the February 2018 temporary order. 84 FR 16397. Regarding crotonyl fentanyl specifically, this substance was not otherwise controlled in any schedule (*i.e.*, listed under another Administration Substance Controlled Number) and is structurally related to fentanyl by the replacement of the *N*-propionyl group by another acyl group (*i.e.*, meets definition for modification

E). On February 6, 2020, Congress extended the temporary control of fentanyl-related substances, as set forth in 21 CFR 1308.11(h)(30), until May 6, 2021. Public Law 116-114, sec. 2, 134 Stat. 103 (2020).

In November 2019, the Director-General of the World Health Organization recommended to the Secretary-General that crotonyl fentanyl and valeryl fentanyl be placed in Schedule I of the Single Convention, as these two substances have opioid mechanisms of action and similarity to drugs that are controlled in Schedule I of the Single Convention (*i.e.*, crotonyl fentanyl is similar to drugs such as oxycodone and fentanyl; valeryl fentanyl is similar to drugs such as fentanyl), and have dependence and abuse potential. On May 7, 2020, the Secretary-General advised the Secretary of State of the United States, by letter, that during its 63rd session in March 2020, the Commission voted to place crotonyl fentanyl and valeryl fentanyl in Schedule I of the Single Convention (CND Mar/63/2 and Mar/63/3). Valeryl fentanyl is temporarily controlled in schedule I of the CSA until February 1, 2021 (85 FR 5321, Jan. 30, 2020), and it will not be discussed in this final order.<sup>2</sup>

#### Crotonyl Fentanyl

As discussed in the background section, crotonyl fentanyl is temporarily controlled in schedule I of the CSA, as it meets the definition of fentanyl-related substances, pursuant to 21 CFR 1308.11(h)(30). Accordingly, crotonyl fentanyl is scheduled as part of a class of substances.

Crotonyl fentanyl has a pharmacological profile similar to morphine, fentanyl, and other synthetic opioids that act as  $\mu$ -opioid receptor agonists. For this reason, crotonyl fentanyl is abused for its opioid-like effects.

Law enforcement reports in the United States demonstrate the illicit use and distribution of this substance, which are similar to that of heroin and prescription opioid analgesics. The National Forensic Laboratory Information System (NFLIS) is a national drug forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by other federal, state, and local forensic laboratories across the country. According to

<sup>1</sup> These four other substances (2'-fluoro *ortho*-fluorofentanyl, *ortho*-methyl acetylfentanyl, beta'-phenyl fentanyl, and thiofuranyl fentanyl) will not be discussed further in this final order.

<sup>2</sup> DEA issued a notice of proposed rulemaking to permanently control valeryl fentanyl in schedule I (85 FR 5356, Jan. 30, 2020) and is currently working to finalize that rule.