

# GOVERNMENTAL AFFAIRS REPORT

## FEDERAL – Legislative

### **S. 451 – Restoring State Mineral Revenues Act.**

On December 2, Sen. Steve Daines (R-MT) introduced [S. 451](#), known as the Restoring State Mineral Revenues Act. The bill would amend the Mineral Leasing Act to eliminate the 2 percent administrative fee imposed on states by the federal government on oil and gas and geothermal development royalties on federal lands in the states and return the revenue sharing to a true 50/50 split between the federal government and the states. Sen. Daines said, “in classic D.C. bureaucracy form, the federal government charges states a 2 percent admin fee on their half of the revenues. This is just a backhanded way to take more money from the states and counties affected most.” [Read more.](#)

### **S. 2262 – American Voices in Federal Lands Act.**

On December 2, Sen. John Barrasso (R-WY) introduced [S. 2262](#), known as the American Voices in Federal Lands Act. The bill would “amend the Federal Land Policy and Management Act of 1976 to clarify the nature of public involvement for purposes of certain rulemaking.” Specifically, the measure “would restrict the public comment process [to] ensure only American citizens are providing feedback on the policies affecting American energy production and federal lands.” According to Sen. Barrasso, “Bad actors, like Russia and China, are given the green light to influence policy and keep us from producing American energy. This bill will stop this interference and make sure only the American people have a say in the future of our energy and federal lands policies.” [Read more.](#)

### **House Natural Resources Committee Hearing on Unleashing American Energy Dominance.**

On December 3, the House Committee on Natural Resources Subcommittee on Oversight and

Investigations held a hearing titled, “Unleashing American Energy Dominance and Exploring New Frontiers,” that focused on four key messages: (1) technological innovation to compete globally and satisfy U.S. domestic demand for critical minerals; (2) leveraging our nation’s culture of innovation, such as artificial intelligence, to mine and process minerals domestically; (3) removing unnecessary regulatory burdens put in place by the Biden administration; and (4) how the Trump administration and Congressional Republicans are working to secure our domestic critical mineral supply chain and shore up domestic mineral processing through permitting reform and key investments in technology. To access a full video recording of the hearing and witness testimony, [Read more.](#)

### **Energy Trade Groups Urge Passage of the SPEED Act.**

On December 3, leaders of various energy trade groups delivered a letter to House Speaker Mike Johnson and Democratic Leader Hakeem Jeffries expressing their strong support for [H.R. 4776](#), known as the Standardizing Permitting and Expediting Economic Development (SPEED) Act, a bill which AAPL has been tracking for members. As noted in the letter, “This bipartisan legislation takes critical steps to reforming a permitting system that too often chills investment, creates uncertainty, and increases costs and delays for essential energy infrastructure projects.” The letter writers further state, “The SPEED Act directly addresses these challenges and represents meaningful bipartisan progress toward a more stable and dependable permitting framework. The legislation reduces delays and provides greater confidence for investments in energy infrastructure by establishing clear permitting milestones and reinforcing the certainty of fully permitted projects.” [Read the letter here.](#)

## FEDERAL – Regulatory

**BLM Oil and Gas Lease Sale – Utah.** On December 1, the Bureau of Land Management (BLM) “opened a 30-day public comment period to receive public input on plans to include 58 oil and gas parcels totaling 71,587 acres in Utah in a March 2026 sale. The comment period ends Jan. 2, 2026. The BLM completed scoping on these parcels in October 2025 and is now seeking public comment on the parcels, potential deferrals, and the related environmental analysis. The BLM will use input from the public to help complete its review of each parcel.” [Read more.](#)

**EPA Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources.** (*Update to 8/11/25 Report*) To follow up our prior reporting, on November 26, the U.S. Environmental Protection Agency (EPA) “finalized the July 2025 interim final rule (IFR) extending several compliance deadlines in the 2024 New Source Performance Standards (NSPS) and Emissions Guidelines for oil and natural gas operations – commonly known as OOOOb/c.” (See [90 Fed. Reg. 55671](#)) Additionally, the “EPA is also providing 360 days from the effective date of this final action for owners and operators to submit initial annual NSPS OOOOb reports that were originally due by August 2025. All subsequent annual reports are due no later than 90 days after the end of each annual compliance period.” [Read more.](#) This action came after industry stakeholders requested that the EPA extend the compliance deadlines. For background, on July 23, the EPA published an interim final rule and request for comments, *Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review Final Rule* ([90 Fed. Reg. 35966](#)), that we made available to AAPL members, and delays implementation of rulemaking regarding emissions from oil and gas sources. As provided by *The Hill*, “Under the interim final rule, companies will have 18 months before they need to install certain pollution controls.” Despite climate activist opposition to the delay, even Mahyar Sorour, director of the Sierra Club’s Beyond Fossil Fuels Policy, admitted

that “Many oil and gas operators have already been complying with these requirements for nearly a year, while others are investing and planning ways to reduce methane pollution to meet the standards.” [Read more.](#) Specifically, the rulemaking extends compliance deadlines under the [2024 Clean Air Act New Source Performance Standards and Emissions Guidelines \(OOOOb/c\)](#). As provided by law firm Holland & Hart, the delay provides for an “extension for meeting requirements on emission control devices, equipment leaks, storage vessels, and flaring systems; [and a] 120-day extension for starting continuous monitoring of the flare’s vent gas net heating value (used to assess flare efficiency).” Additionally, “States now have 18 more months (beyond the March 2026 deadline) to develop and submit their methane emissions plans for existing sources, based on the 2024 Emissions Guidelines;” and regarding the Super Emitter Program, there is an 18-month delay, “which allows third parties to report major methane leaks using EPA-approved remote sensing. EPA will also delay reviewing technology approval requests for that program during this time.” [You may access an EPA fact sheet about the deadline extension here.](#)

**EPA Waters of the U.S. Rulemaking.** (*Update to 11/24/25 Report*) To update our prior reporting on the U.S. Environmental Protection Agency (EPA) and the Department of the Army releasing a proposed rule to revise the definition of “Waters of the United States,” the EPA has announced an upcoming stakeholder meeting on December 12 in Bismarck, North Dakota. The meeting may be attended in person or virtually. [You may register for the event and learn more here.](#) For background, the rulemaking will implement the U.S. Supreme Court’s 2023 decision in [Sackett v. Environmental Protection Agency](#), which held that the Clean Water Act extends only to wetlands that have a continuous surface connection with “waters” of the United States. [Read detailed legal analysis of the Sackett case here.](#) According to the EPA’s initial announcement, “the proposed rule will play a key role in EPA’s Powering the Great American Comeback initiative by protecting water resources, strengthening cooperative federalism, and supporting American industry, energy producers, the technology sector,

farmers, ranchers, developers, businesses, and landowners. In developing the proposed rule, EPA and the Army reviewed and considered the extensive feedback and recommendations the agencies received from States, Tribes, local governments, and stakeholders throughout consultations and the pre-proposal recommendations docket and listening sessions.” [Read more](#). The proposed rule, *Updated Definition of “Waters of the United States”* (90 Fed. Reg. 52498), intends “to provide greater regulatory certainty and increase Clean Water Act program predictability and consistency by clarifying the definition of ‘waters of the United States.’” The proposed rule has a public comment period open through January 5, 2026. For a deeper dive into the proposed rulemaking, including EPA fact sheets, [Read more](#). For further legal analysis of the proposal, [Read more here](#) and [here](#).

**National Petroleum Council** . On December 3, the National Petroleum Council released two reports, [Reliable Energy: Delivering on the Promise of Gas-Electric Coordination](#), focused on recommendations related to natural gas infrastructure and gas-electric coordination, and [Bottleneck to Breakthrough: A Permitting Blueprint to Build](#), focused on the role of federal permitting reform in building the modern infrastructure network needed to meet domestic energy goals. The Council is a federal advisory group created in 1992 and its members “are appointed by the Energy Secretary to assure well balanced representation from all segments of the oil and natural gas industry, from all sections of the country, and from large and small companies.” One of its members, the IPAA, said, “These reports reflect the importance of ensuring adequate infrastructure and fuel availability to support the continued reliability of gas-fired generation to successfully meet our nation’s growing demand for power.” [Read more](#). Both reports are the result of a request made to the Council earlier this year by Energy Secretary Chris Wright to effectuate policy directives from President Trump. [Read the Secretary’s letter here](#).

**U.S. Geological Survey Undiscovered Oil and Gas Formations – California**. On November 21, the U.S.

Geological Survey (USGS) “released its assessment of potential for undiscovered oil and gas in formations under the Santa Maria Basin geologic province under Santa Barbara County and part of San Luis Obispo County, California, assessing that there are technically recoverable resources of 67 million barrels of oil and 56 billion cubic feet of gas.” Ned Mamula, USGS Director said, “The U.S. economy and our way of life depend on energy, and USGS oil and gas assessments point to resources that industry hasn’t discovered yet. In this case, after more than 100 years of production, the Santa Maria Basin has little remaining undiscovered oil or gas, indicating a need for new resources.” [Read more](#).

**U.S. Geological Survey Undiscovered Oil and Gas Formations – Wyoming**. On December 3, the U.S. Geological Survey (USGS) released its assessment “of undiscovered natural gas in southwest Wyoming’s Mesaverde Group and Lance Formation, estimating 4.7 trillion cubic feet of technically recoverable resources still sits underground.” Ned Mamula, USGS Director said, “The U.S. economy and our way of life depend on energy, and USGS oil and gas assessments point to resources that industry hasn’t discovered yet. In this case, we have assessed there are significant undiscovered resources in the Southwestern Wyoming Geologic Province.” [Read more](#).

## **FEDERAL – Judicial**

**EPA Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources – U.S. Court of Appeals**. Related to the regulatory item above regarding the EPA’s extension of emissions-related deadlines, on December 3, environmental groups sued the EPA in the U.S. Court of Appeals for the D.C. Circuit in [Environmental Defense Fund v. Zeldin](#) “challenging the Trump EPA’s rushed and unlawful final rule to delay protections against methane pollution from the oil and gas industry.” According to the litigants, “The rule would delay implementation of many of the requirements in the 2024 U.S. EPA methane standards – which keep dangerous

pollution out of our air and reduce wasted energy from oil and gas leaks, venting and flaring – in spite of widespread community opposition, deep concerns about risks to human health, and a pending lawsuit challenging an Interim Final rule announced by the Trump administration earlier this year that contained identical extensions for many of the same deadlines.” We will keep AAPL members informed as the case proceeds. [Read more.](#)

## STATE – Legislative

**Renewable Energy Projects – Illinois.** The Illinois legislature has passed [SB 25](#), the Clean and Reliable Grid Affordability Act. The bill “makes significant updates to Illinois’ current statewide siting and zoning framework for renewable energy projects and creates a statewide standard for energy storage projects.” The bill solidifies funding for wind and solar power and the deployment of battery storage resources, provides project developers with longer periods to obtain building permits, requires accelerated hearings, and updates zoning jurisdiction policies, among other provisions. [Read more.](#) Gov. J.B. Pritzker said he intends to sign the bill. [Read more.](#) According to the Solar Energy Industries Association, “The Clean and Reliable Grid Affordability Act is a blueprint for how to meet growing electricity demand while keeping costs down and building a stronger, more resilient grid. By investing in solar, storage, and a forward-looking Virtual Power Plant program, this bill will create good jobs and empower Illinois families and businesses.” [Read more.](#) For a deeper dive into the bill provisions, read more from the Midwest Energy Efficiency Alliance, [available here.](#) You can also see more details from law firm Arent Fox Schiff LLP, [available here.](#)

**For all 1,000+ bills AAPL is currently monitoring and tracking for members, please see the continuously updated member-exclusive AAPL Governmental Affairs Bill Tracking Summary spreadsheet,** available on the AAPL website [here.](#)

## STATE – Regulatory

### **Los Angeles Proposed Oil and Gas Drilling Ordinance – California.** *(Update to 9/29/25 Report)*

On December 3, Los Angeles City Planning (LACP) released a revised version of their proposed Oil and Gas Drilling Ordinance, [available here.](#) According to LACP, “the proposed ordinance would prohibit new oil and gas drilling citywide; declare all existing oil and gas activities a nonconforming use in all zones; mandate the cessation of all nonconforming oil and gas operations within a 20-year period; disallow the maintenance, expansion, re-drilling, deepening, or intensification of existing extraction activities and wells in all zones (except for specific, limited Well Servicing); and create a separate zoning review process to permit these activities only to prevent, respond to, or cease credible threats to public health, safety, or the environment.” The ordinance will be subject to a December 11, 2025 Commission public hearing, with information on attending the hearing [available here.](#) Additionally, LACP announced that “on November 26, 2025, a [Mitigated Negative Declaration](#) (MND) which analyzes potential impacts on the environment for the proposed Ordinance was released (*please see Environmental Case Number ENV-2025-2885-MND*). The MND is available for public review and comment and can be accessed on our Department’s [website.](#) The comment period will end on December 29, 2025. Please submit your written comments (*and include Environmental Case No. ENV-2025-2885-MND*) via email or mail by 4 p.m. on December 29, 2025, to the following addresses: City of Los Angeles Department of City Planning; Attn: Lilian Rubio; 200 North Spring Street, Room 701, Los Angeles, CA 90012 or email at: [planning.oildrilling@lacity.org](mailto:planning.oildrilling@lacity.org). Beyond the MND comment period, general public comments are also welcomed until the proposed Ordinance is adopted by City Council.” For background, on September 17, Los Angeles City Planning announced the release of its proposed Oil and Gas Drilling Ordinance per [Assembly Bill \(AB\) 3233](#) enacted in 2024 for public review and feedback available [here.](#) As a result of a 2024 trial court ruling “and the City Council’s action to [rescind](#) the 2022 Oil and Gas Drilling [Ordinance No.](#)

[187,709](#), the proposed ordinance would amend the Los Angeles Municipal Code (LAMC) to reinstate the previously adopted policy relative to oil and gas drilling activity. [Read more](#)

**Data Center Permitting – Ohio.** The Ohio Environmental Protection Agency (EPA) has released a [draft general permit](#) (*General Permit Authorization for Discharges from Data Center Facilities Under the National Pollutant Discharge Elimination System*) “for discharges to waters of the state from data center facility operations. The Ohio EPA is holding a public hearing and accepting comments on the draft permit through December 17, 2025.” [Access the Ohio EPA notice and instructions for submitting public comments and attending the hearing here.](#) As provided by law firm Bricker Graydon, “The availability of general permit coverage offers a streamlined path to permitting for those eligible facilities, making this an attractive option for data centers that otherwise would be subject to the lengthier process for pursuing individual permit coverage. The permit covers proposed and existing data center facility operations that discharge to waters of the state. It defines ‘data center facility’ as an establishment that provides computer processing and data preparation services, and houses computing equipment that stores, processes, and distributes digital data.” [Read more.](#) The Ohio EPA has also provided a fact sheet, [available here.](#)

**Texas Real Estate Commission Licensing Exemptions.** On November 26, the Texas Real Estate Commission (TREC) adopted revisions to the Texas Administrative Code (TAC) regarding licensing requirements to reflect the changes made by AAPL-sponsored bill, [SB 1172](#), that was enacted in May 2025. TREC was required to update the state administrative rules to accurately reflect those legislative changes which provided landmen with exemptions from TREC licensing across all types of energy sources by updating the state Occupations Code. Unrelated to AAPL’s portion of the bill, the legislation also updated licensing exemptions related to limited partnerships and limited liability companies. [Read an AAPL fact sheet about SB 1172 here.](#) The first TREC update was to administrative rule

[22 TAC §535.5](#) (License not required) that updates the administrative rules to include the exemptions from SB 1172. The second update was to [22 TAC §535.405](#) (Easement or Right-of-Way Agents; Employee of Owner or Purchaser) to provide that registration is not required for an employee employed by an owner or purchaser for the purpose of selling, buying, leasing or transferring an easement or right-of-way for the owner or purchaser related to a limited partnership or limited liability company as provided by SB 1172. For comparative purposes, you may access the previous versions of those rules here: [22 TAC § 535.5](#) and [22 TAC § 535.405](#).

**Texas Railroad Commission Oil and Gas Operator Winter Weather Preparedness Webinar.** The Texas Railroad Commission (RRC) announced they will hold a webinar for oil and gas operators, *RRC Attestations and Winter Weather Preparedness Webinar*, on December 8, 2025 that is “focused on operator-submitted attestations and routine weather preparedness inspections ahead of the winter season.” According to the RRC, “This session is intended to provide a refresher for current oil and gas operators on the key requirements, scope and objectives of both processes.” The RRC will also provide operators with an opportunity to ask questions during the live session. To learn more and register for the event, [Read more.](#)

## STATE – Judicial

**Winter Storm Uri; Force Majeure; Natural Gas Delivery Obligations – Texas.** Recently, in [Marathon Oil Co. v. Mercuria Energy America LLC](#) (Case No. 25-BC11A-0013), the Texas Business Court (11th Division) addressed a force-majeure dispute arising out of Winter Storm Uri, where “parties to a contract for the sale of natural gas dispute whether the seller should have (i) purchased gas on the spot market to cover any production shortfall or (ii) bought back its delivery obligation.” As noted by the court, “When Winter Storm Uri hit, Marathon declared force majeure and did not deliver the full amount of gas promised. Mercuria disputed Marathon’s declaration of force majeure, resulting in this suit.” The court held “that

the parties' contract did not obligate the seller to take either action as a prerequisite or alternative to declaring force majeure or as a contractually required 'reasonable effort.'" The court also issued two follow-on opinions in this case. The first involved the issue of damages with the court holding that "Mercuria's actual damages would be the difference between the market price at the time of breach and the contract price." That issue will be resolved at trial. And the second opinion involved a situation "in which the court determined that several transactional confirmations must be read together with the Base Contract as a single, integrated agreement. The court withheld judgment on how that ruling might affect what was required under the contract." [Read more.](#)

**Leasing; Cotenant Wells; Royalties; Oil and Gas Production Agreements – Texas.** Recently, in [Evans Resources, L.P. v. Diamondback E&P, LLC](#) (Case No. 11-24-00107-CV), the Texas Eleventh Court of Appeals (Midland), addressed a dispute involving "an unfulfilled alleged oral promise by an operator to drill and pay for horizontal wellsite locations on the landowners' surface estate, which has evolved into a continuing dispute over the construction and performance of the parties' oil and gas agreements." The case involved three agreements: "an oil and gas lease allowing pooling with lessor's consent, a surface use agreement, and a net profits interest agreement." Here, "Diamondback was allowed to drill and produce horizontal wells from prior-approved horizontal well pads. Evans' surface entity Mockingbird received a share of monthly profits from wells drilled on the surface locations." Although the trial court granted summary judgment for Diamondback on several claims, three remaining claims went to trial that were the subject of this appeal. First was a claim for breach of lease and unpaid royalties. At trial, the court "excluded testimony from Evans' expert about royalty payments that was based on untimely reports that doubled the amount claimed. The expert's spreadsheet on interest to be paid on royalties was never disclosed and therefore stricken. Because the jury found that Diamondback did not underpay royalties, the experts' opinions didn't matter." Second, the court dismissed a fraud claim "based on the

proposition that reliance on an oral representation directly contradicted by express, unambiguous terms of the written agreement between the parties is not justified as a matter of law." And third, "Evans claimed that Diamondback breached the surface agreement by failing to downsize vertical well pads after drilling and by failing to consent to zoning variance requests for setback reductions to be made to the Midland City Council. The claim was rejected. Evans' expert testimony regarding the variances was excluded because the experts improperly assumed that the variance requests would be granted even though they were never applied for, objected to, or considered by the City Council. The opinions were unreliable because they were based on assumed facts that varied from actual facts. The court rejected the testimony of Evans principal Jonathan Evans because the amount and method of calculating damages was not timely disclosed and Diamondback was unfairly surprised." The court also affirmed that there was no violation of the Rule Against Perpetuities "because the lease immediately granted the land for exploring for and producing oil and gas. It was not a perpetual right." Finally, regarding a claim that Diamondback failed to obtain their consent to pool the lease, the court rejected this since an original statement by Evans "that they would not put on evidence on their claim [...] constituted a stipulation that limited issues to be considered at trial." [Read more.](#)

**Fossil Fuel Climate Change Lawsuit – Utah.** On December 1, a group of young climate activists filed a lawsuit against Utah state regulators "intended to block state permits for coal, gas, and oil development." In [Roberts v. Department of Natural Resources, Board of Oil, Gas, and Mining](#), the plaintiffs state that they brought "this action to protect their fundamental rights to life, health, and safety that Defendants are violating by permitting fossil fuel development, when doing so is harmful, unnecessary, and more expensive than clean, renewable forms of energy." This lawsuit comes months after the Utah Supreme Court rejected a similar lawsuit filed by many of the same plaintiffs in which the court noted that the litigants would need to narrow their claims to challenge the constitutionality of a specific state action as they've done with this

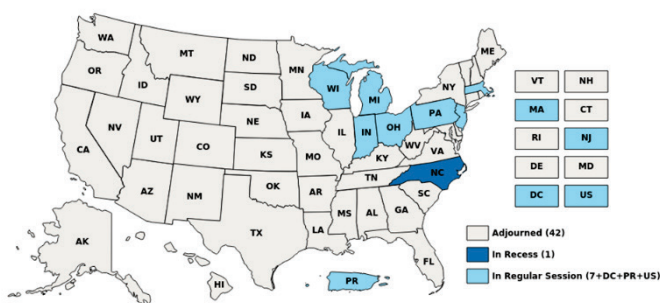
new lawsuit. The new complaint asserts that the “Defendants’ fossil fuel permitting challenged here is unconstitutional because it harms the health and safety of Plaintiffs, interferes with their healthy development, and takes years off of their lives.” The complaint further argues that Utah regulators have “continued to issue permits for unnecessary fossil fuel development, worsening Utah’s air pollution and climate crisis, and harming plaintiffs’ health, safety, and longevity in violation of their fundamental rights.” We will keep AAPL members informed as the case proceeds. [Read more.](#)

## INDUSTRY NEWS FLASH

► **OPEC+ members agree to continue pause on oil production increments.** On November 30, OPEC+ nations announced they have reaffirmed a November 2, 2025 decision “to pause production increments in January, February, and March 2026 due to seasonality.” As reported by *Rigzone*, “The countries will continue to closely monitor and assess market conditions, and in their continuous efforts to support market stability, they reaffirmed the importance of adopting a cautious approach and retaining full flexibility to continue pausing or reverse the additional voluntary production adjustments.” The countries are next scheduled to meet on January 4, 2026. [Read more.](#)

## LEGISLATIVE SESSION OVERVIEW

### States in Session



**Session Notes:** Seven states are currently in regular session. The **U.S. Congress** is also in session.

The following states are currently holding 2025 interim committee hearings and posting interim studies: [Alabama](#), [Arizona](#), [Arkansas](#), [California Assembly](#) and [Senate](#), [Colorado](#), [Connecticut](#), [Delaware](#), [Florida House](#) and [Senate](#), [Georgia](#), [Hawaii](#), [Idaho](#), [Indiana](#), [Iowa](#), [Kansas](#), [Kentucky](#), [Maine](#), [Maryland](#), [Minnesota](#), [Mississippi House](#) and [Senate](#), [Missouri](#), [Montana](#), [Nebraska](#), [Nevada](#), [New Hampshire House](#) and [Senate](#), [New Mexico](#), [New York Assembly](#) and [Senate](#), [North Dakota](#), [Oklahoma](#), [Oregon](#), [Rhode Island](#), [South Carolina](#), [South Dakota](#), [Tennessee](#), [Utah](#), [Vermont](#), [Virginia](#), [Washington](#), [West Virginia](#) and [Wyoming](#).

The following states are currently posting pre-files or bill drafts for the 2026 legislative session: [Alabama](#), [Arizona](#), [Florida](#), [Iowa](#), [Kansas](#), [Maine](#), [Missouri House](#) and [Senate](#), [New Hampshire](#), [Oklahoma](#), [Tennessee](#), [Virginia](#), [Washington](#) and [Wyoming](#). ■

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