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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 201, 204, 205, 225, 233, 234, 235, 237, 260, 261, 262, 263, 264, 265, 270, 283, 284, 286, and 287

RIN 0970–AD38

Reducing Bureaucracy and Burden for Family Assistance Programs

AGENCY: Office of Family Assistance (OFA), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: This final rule amends the Grants to States for Public Assistance Programs regulations, the General Administration—State Plans and Grant Appeals regulations, the General Administration—Public Assistance Programs regulations, the Training and Use of Subprofessionals and Volunteers regulations, the Coverage and Conditions of Eligibility in Financial Assistance Programs regulations, the Financial Assistance to Individuals regulations, the Administration of Financial Assistance Programs regulations, the Fiscal Administration of Financial Assistance Programs regulations, the General Temporary Assistance for Needy Families (TANF) Provisions regulations, the Ensuring That Recipients Work regulations, the Accountability Provisions—General regulations, the Expenditures of State and Federal TANF Funds regulations, the Other Accountability Provisions regulations, the Data Collection and Reporting Requirements regulations, the High Performance Bonus Awards regulations, the Implementation of Section 403(a)(2) of the Social Security Act Bonus to Reward Decrease in Illegitimacy Ratio regulations, the Methodology for Determining Whether an Increase in a State or Territory's Child Poverty Rate Is the Result of the TANF Program regulations, the Tribal TANF Provisions regulations, and The Native Employment Works (NEW) Program regulations to eliminate unnecessary or obsolete regulations. A plain language summary of the final rule is posted at *https://www.regulations.gov.*

DATES: *Effective date* September 29, 2026.

FOR FURTHER INFORMATION CONTACT: Adam N. Jones, Deputy Chief of Staff, Immediate Office of the Assistant Secretary, Administration for Children and Families, Department of Health and Human Services, Washington, DC 202–417–0115 or *Deregulation@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Statutory Authority

This final rule is being issued under the authority granted to the Secretary of Health and Human Services by the Social Security Act, as amended (42 U.S.C. 301 *et seq.*), including titles I, IV–A, IV–D, X, XIV, and XVI(note) of the Social Security Act which authorizes the administration of public assistance, child support enforcement, and other family assistance programs. This rulemaking is further supported by Section 1102 of the Social Security Act (42 U.S.C. 1302), which provides the Secretary with general authority to make and publish regulations necessary for the efficient administration of programs under the Act. These statutory authorities provide the basis for the regulations codified at 45 CFR parts 201, 204, 205, 225, 233, 234, 235, 237, 260, 261, 262, 263, 264, 265, 270, 283, 284, 286, and 287.

II. Background

45 CFR parts 201, 204, 205, 225, 233, 234, 235, and 237 comprise the core regulatory framework governing the administration of public assistance and related programs authorized under the Social Security Act and administered by HHS, primarily through the ACF. Originally promulgated to implement Aid to Families with Dependent Children (AFDC) and other categorical assistance programs prior to enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Pub. L. 104–193), these regulations to established administrative, fiscal, and program integrity requirements applicable to States, Territories, and, where applicable, Tribal agencies operating federally funded assistance programs.

These parts establish State plan requirements, Federal financial participation (FFP) standards, reporting and recordkeeping obligations, hearing and appeals processes, eligibility and payment provisions, and administrative enforcement mechanisms. They include general administrative provisions (Part 201), public assistance reporting requirements (Part 205), financial management standards (Part 201 and related subparts), program-specific requirements for assistance and services (Part 233), and fair hearing and appeals procedures (Part 205). Collectively, these regulations provide the uniform administrative structure under which States, Tribes, and Territories receive and administer Federal funds for cash assistance and related benefit programs.

45 CFR parts 260 through 265 establish the regulatory framework for the TANF program, enacted under title IV–A of the Social Security Act as amended by PRWORA in 1996. Originally published in 1999 and subsequently amended, these regulations govern the purposes of TANF (Part 260), work participation requirements (Part 261), eligible and ineligible uses of Federal TANF funds (Part 263), State reporting requirements (Part 265), penalty and corrective action procedures (Part 262), and data collection and verification standards (Part 264).

The TANF regulations define key statutory terms such as ''assistance,'' ''work activities,'' and ''work-eligible individual,'' and establish the methodology for calculating State work participation rates. They also set forth maintenance-of-effort (MOE) requirements, limitations on administrative expenditures, and procedures for determining and appealing financial penalties. Together, these parts provide the accountability and performance measurement structure for the TANF block grant program while preserving State flexibility in program design.

45 CFR part 270, ''High Performance Bonus Awards'' governs the bonus funds awarded to States for meeting certain TANF measures. The regulations lay out the amount in bonuses provided, explain the measures and what factors ACF uses to determine each state's scores.

45 CFR part 283 ''Implementation of Section 403(A)(2) of the Social Security Act Bonus to Reward Decrease in Illegitimacy Ratio'' governs the bonuses given to states who lowered illegitimacy. The regulations describe what data a state had to submit to be considered for the bonus, how ACF would consider the data, and the amounts of the bonus.

45 CFR part 284 ''Methodology for Determining Whether an Increase in a State or Territory Child Poverty Rate is the Result of the TANF Program'' governs the previous requirement under 42 U.S.C. 613(i) for determining child poverty rates. The regulations explain the method of determining child poverty rates and corrective action required if the poverty rate increased by over five percent in a two-year period.

45 CFR part 286 ''Tribal TANF Provisions'' establishes the regulatory requirements governing the approval

and administration of Tribal TANF programs. Promulgated following statutory authorization for Tribal administration of TANF, this part specifies Tribal plan content requirements, funding methodologies, reporting obligations, and procedures for plan amendments and corrective actions. It provides for direct Federal funding to eligible federally recognized Tribes and Tribal consortia and outlines the process for determining Tribal family assistance grant amounts based on historical State expenditures.

45 CFR part 287 ''The Native Employment Works (NEW) Program'' describes the rules for implementing the program described in Section 412(a)(2) of the Social Security Act. This part lists plan requirements, allowable expenditures under the program, and reporting requirements.

Taken together, these regulatory parts form an integrated framework governing the administration, funding, accountability, and oversight of TANF, Tribal TANF, child support enforcement, and related assistance programs. They establish uniform procedures for State and Tribal plans, financial management, reporting, performance measurement, enforcement, and appeals, while implementing statutory requirements designed to promote program integrity, fiscal stewardship, and the effective delivery of services to low-income families.

III. Executive Summary

This final rule removes multiple regulations that are either unnecessary or wholly obsolete. The regulations removed and reserved by this final rule can be categorized into three groups: those that are duplicative, those that are better suited in a sub-regulatory format, or those that are obsolete.

The duplicative regulations are those that exist yet, carry no impact as the authority and requirements stated in the regulation exist or are stated elsewhere such as in statute. This renders the language found in the regulation to be either duplicative or otherwise generally unnecessary.

The regulations that are better suited to a sub-regulatory document are those that generally read like a Frequently Asked Questions document or are overly prescriptive and carry technical details that belong in programmatic instruction. These documents are being removed and reserved in order to allow them to be published in the more appropriate format.

Finally, obsolete regulations are those that are outdated. This includes regulations that refer to grant programs that are no longer funded, practices that are no longer followed, or are no longer relevant.

Effective Date

This final rule will become effective 60 days from the date of its publication.

Severability

The provisions of this final rule are intended to be severable, such that, in the event a court were to invalidate any particular provision or deem it to be unenforceable, the remaining provisions would continue to be valid. The changes address a variety of issues relevant to the Office of Family Assistance. None of the provisions contained herein are central to an overall intent of the final rule, nor are any provisions dependent on the validity of other, separate provisions.

IV. Summary of Public Comments

ACF published a notice of proposed rulemaking (NPRM) in the **Federal Register** on May 26, 2026, (91 FR 30538) proposing revisions to 45 CFR parts 201, 204, 205, 225, 233, 234, 235, 237, 260, 261, 262, 263, 264, 265, 270, 283, 284, 286, and 287. ACF provided a 30-day comment period during which interested parties could submit comments in writing electronically through *Regulations.gov* or via email to the Immediate Office of the Assistant Secretary.

During the 30-day comment period, ACF received 6 total comments from one individual, two legal advocacy organizations (Western Center on Law and Poverty and the Legal Aid Foundation of Los Angeles), one public policy think tank (Foundation for Government Accountability), one State agency (The Maryland Department of Human Services), and one Tribal government (the Washoe Tribe of Nevada and California). All comments received were posted on *www.regulations.gov.*

Of the 6 submissions received, all 6 comments were unique, and none were duplicative. At the conclusion of the public comment period, HHS analyzed the content of the comments to inform the development of the final rule. All comments were reviewed to determine each commenter's support or opposition towards the policies proposed in the NPRM.

Public comments reflected a range of perspectives, with most commenters generally supportive of the intent of removing outdated and obsolete regulations, though many commenters identified specific sections they believed did not meet the parameters of obsolete or unnecessary. One commenter supported the NPRM and identified no provisions of opposition, whereas another commenter stated complete opposition to the entire NPRM and identified no areas of support. The remaining commenters listed specific sections that they wanted to retain for various reasons as discussed below. All responsive comments informed our consideration of the final rule.

The preamble in this final rule discusses the changes to current regulations. Where language of previous regulations remains unchanged, the preamble explanation and interpretation of that language published with all prior final rules are also retained, unless specifically modified in the preamble to this rule.

V. General Comments and Cross-Cutting Issues

This final rule includes the removal of multiple sections of regulations relating to 45 CFR parts 201, 204, 205, 225, 233, 234, 235, 237, 260, 261, 262, 263, 264, 265, 270, 283, 284, 286, and 287. HHS received and reviewed comments on the proposed changes. Following review of all comments, HHS has maintained all proposed changes from the NPRM. Specific comments are discussed below.

As stated above, most commenters were generally supportive of the intent of removing outdated and obsolete regulations but identified specific sections they believed did not meet the parameters of obsolete or unnecessary. These specific comments are discussed in Section VI.

There were four general or cross cutting comments made by the commenters. The first commenter was the individual who urged HHS to not finalize this rule and stated that the regulations were ''needed'' but did not provide any information to justify this claim. With the limited information provided, HHS cannot provide any more specific response than below in the Section-by-Section discussion.

The second commenter with cross-cutting comments was Foundation for Government Accountability (FGA), who said that they supported HHS's efforts to distinguish between outdated text and non-binding guidance as compared to active regulatory requirements. FGA encouraged HHS to finalize the proposed rule as published to reduce administrative burden and to allow states and grantees to focus on current statutory obligations. HHS agrees with the commenter's stated rationale for issuing a final action to repeal the stated Sections.

The third commenter with cross-cutting or general comments was from the Washoe Tribe of Nevada and

California who encouraged HHS to engage in more regular Tribal consultation for regulations affecting Tribal communities. HHS agrees and will continue to consult with Tribal leaders to the extent possible.

The final commenter with broad spectrum comments was the Maryland Department of Human Services who said that they disagreed with the classification of ''duplicative of statute'' and ''better suited for sub-regulatory guidance'' as acceptable reasons to remove a regulation. The commenter argued that while language may repeat statutory requirements, it ''applies uniformity'' and creates a ''baseline'' for States. The commenter further asserted that moving regulations to sub-regulations removes the ability for public comment and creates less durability between administrations.

HHS respectfully disagrees that language that is duplicative of statute should also remain in regulation as we believe it can serve to confuse the public about what unique requirements exist. Furthermore, for Sections that are to be moved to sub-regulatory guidance, these are in reference to items that ''clarify'' regulatory or statutory text without providing new requirements and therefore do not belong as regulations.

HHS acknowledges the thoughts, both in support and opposition to the proposal, raised by the commenters and moves forward with rescinding the requirements as proposed.

VI. Section-by-Section Discussion of Comments and Regulatory Provisions

HHS received comments about changes proposed to specific subparts of the regulation. Below, HHS identifies each subpart, whether or not they received comments, summarizes the comments, responds to them accordingly, and identifies HHS's final action.

45 CFR part 201 Grants to States for Public Assistance Programs

§ 201.0 Scope and Applicability

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program, following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 201.1 General Definitions

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. . While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart A—Approval of State Plans and Certification of Grants

§ 201.3 Approval of State Plans and Amendments

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 201.4 Administrative Review of Certain Administrative Decisions

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 201.5 Grants

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 201.6 Withholding of Payment; Reduction of Federal Financial Participation in the Costs of Social Services and Training

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 201.7 Judicial Review

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart B—Review and Audits

§ 201.10 Review of State and Local Administration

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 201.11 Personnel Merit System Review

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 201.12 Public Assistance Audits

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: One commentor was concerned that while this Section was promulgated in connection with the AFDC program, that this applied beyond AFDC. The commenter stated that present day federal audit and grant management requirements seem to address many of the functions that are included in this Section. The commenter was concerned that the proposed rule did not identify which authorities would be assuming these grant management responsibilities.

Response: The Department appreciates the commenter's concern regarding the continued administration of Federal grant management and audit responsibilities. Although § 201.12 was promulgated in connection with the former AFDC program and may have addressed matters beyond that program, the regulation is obsolete because AFDC was replaced by the TANF program under PRWORA. Removing this obsolete AFDC regulation does not eliminate applicable Federal audit or grant management requirements. Those requirements continue to be governed by applicable statutes and government-wide Federal grant management and audit requirements. For grant programs, including TANF, these requirements are found 2 CFR part 200 Subpart F. Accordingly, the Department is finalizing the removal and reservation of § 201.12 as proposed.

§ 201.13 Action on Audit and Review Findings

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: One commentor was concerned that while this Section was promulgated in connection with the AFDC program, that this applied beyond AFDC. The commenter stated that present day federal audit and grant management requirements seem to address many of the functions that are included in this Section. The commenter was concerned that the proposed rule did not identify which authorities would be assuming these grant management responsibilities.

Response: The Department appreciates the commenter's concern regarding the continued administration of Federal audit and grant management responsibilities. Actions on audit and review findings are governed by other government-wide statutes and regulations. For HHS grants, including TANF, the management and audit requirements are covered by 2 CFR part 200. Accordingly, the Department is finalizing the removal and reservation of § 201.13 as proposed.

§ 201.14 Reconsideration Under Section 1116(d) of the Act

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While these provisions still apply to child support enforcement under IV–D of the Social Security Act, as well as the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 201.15 Deferral of Claims for Federal Financial Participation

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While these provisions still apply to child support enforcement under IV–D of the Social Security Act as well as Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 201.67 Treatment of Uncashed or Cancelled Checks

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 201.70 Treatment of Replacement Checks

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

45 CFR part 204 General Administration—State Plans and Grant Appeals

Part 204, which is inclusive of 45 CFR parts 204.1, 204.2, 204.3, and 204.4, was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Part. Thus, this final rule removes and reserves this Part.

45 CFR part 205 General Administration—Public Assistance Programs

§ 205.5 Plan Amendments

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.10 Hearings

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were two comments specifically on this Section. This final rule removes and reserves this Section.

Comment: A commenter was concerned that this Section should not be removed because it outlines detailed hearing requirements for public assistance programs. They are concerned that the NPRM did not identify another authority that provides a framework to address these hearing and administrative review procedures and request further clarity on how disputes concerning benefits and eligibility will continue to be resolved.

Response: The Department appreciates the commenter's concern regarding the continued availability of fair hearing and administrative review procedures. Section 205.10 was promulgated in connection with the former AFDC program, which was replaced by the TANF program under PRWORA. Section 205.10 governed the administration of the former AFDC program and is no longer mandatory now that PRWORA has been replaced by TANF. Removing this regulation does not alter any applicable statutory or constitutional requirements governing the administration of public assistance programs. This rulemaking is limited to removing redundant or obsolete regulations and does not establish or modify hearing procedures for TANF or other programs. Although certain states still cite the 205.10 hearing procedures for TANF appeals, they can continue to use the same procedures even without the regulation in place. Accordingly, the Department is finalizing the removal and reservation of § 205.10 as proposed.

Comment: A commenter was concerned that this Section should not be removed as it explains the AFDC hearing requirement when there is no equivalent right set out under TANF. The commenter urged HHS to not repeal this Section, but rather to promulgate new regulations that would apply to the TANF program as they insist that as TANF is a federal program, there ought to be a floor for a fair hearing process to ensure the constitutional right to due process.

Response: The Department appreciates the commenter's recommendation that it promulgate hearing regulations applicable to the TANF program. This rulemaking, however, is limited to removing redundant or obsolete regulations and is not intended to establish new regulatory requirements for TANF. Section 205.10 governed the former AFDC program and is obsolete following the replacement of AFDC by TANF under PRWORA. Accordingly, the Department is finalizing the removal and reservation of § 205.10 as proposed.

§ 205.25 Eligibility of Supplemental Security Income Beneficiaries for Food Stamps or Surplus Commodities

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.30 Methods of Administration

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.32 Procedures for Issuance of Replacement Checks

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.35 Mechanized Claims Processing and Information Retrieval Systems; Definitions

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.36 State Plan Requirements

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: A commenter stated that this Section established a mechanism through which States documented program operations and administrative changes. Their concern was that the NPRM did not identify whether existing TANF regulations would provide similar documentation regarding the administration of the program for advocates, administrators, beneficiaries, and future policymakers.

Response: The Department appreciates the commenter's concern regarding documentation of State program operations and administrative changes. Section 205.36 established State plan requirements for the former AFDC program and is obsolete following the replacement of AFDC by the TANF program under PRWORA. The documentation requirements applicable to the TANF program are established by section 402(a) of the Social Security Act. Accordingly, the Department is finalizing the removal and reservation of § 205.36 as proposed.

§ 205.37 Responsibilities of the Administration for Children and Families (ACF)

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.38 Federal Financial Participation (FFP) for Establishing a Statewide Mechanized System

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.45 Federal Financial Participation in Relation to State Emergency Welfare Preparedness

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.70 Availability of Agency Program Manuals

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.100 Single State Agency

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: A commenter stated that they believe TANF should keep a requirement to have a single State agency operating under a State plan with statewide operations. The commenter feared that without this requirement, federal review and enforcement would be severely hindered and complicated.

Response: The Department appreciates the commenter's concern regarding the administration and oversight of State TANF programs. Section 205.100 established a single State agency requirement for the former AFDC program and is obsolete following the replacement of AFDC by the TANF program under PRWORA. For TANF, section 402(a)(4) of the Social Security Act requires a certification by the chief executive officer of the State identifying the State agency or agencies that will administer and supervise the program. Accordingly, the Department is finalizing the removal and reservation of § 205.100 as proposed.

§ 205.101 Organization for Administration

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: A commenter stated that they believe TANF should keep a requirement to have a single State agency operating under a State plan with statewide operations. The commenter feared that without this requirement, federal review and enforcement would be severely hindered and complicated.

Response: Response: The Department appreciates the commenter's concern regarding the organization and oversight of State TANF program administration. Section 205.101 established organizational requirements for the administration of the former AFDC program and is obsolete following the replacement of AFDC by the TANF program under PRWORA. For TANF, section 402(a)(4) of the Social Security Act requires a certification by the chief executive officer of the State identifying the State agency or agencies that will administer and supervise the program. Accordingly, the Department is finalizing the removal and reservation of § 205.101 as proposed.

§ 205.120 Statewide Operation

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: A commenter stated that they believe TANF should keep a requirement to have a single State agency operating under a State plan with statewide operations. The commenter feared that without this requirement, federal review and enforcement would be severely hindered and complicated.

Response: The Department appreciates the commenter's concern regarding the administration and oversight of State TANF programs. Section 205.120 established a statewide operation requirement for the former AFDC program and is obsolete following the replacement of AFDC by the TANF program under PRWORA. For TANF, section 402(a)(4) of the Social Security Act requires a certification by the chief executive officer of the State identifying the State agency or agencies that will administer and supervise the program. Accordingly, the Department is finalizing the removal and reservation of § 205.120 as proposed.

§ 205.130 State Financial Participation

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.150 Cost Allocation

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.160 Equipment—Federal Financial Participation

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.170 State Standards for Office Space, Equipment, and Facilities

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 205.190 Standard-Setting Authority for Institutions

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

45 CFR Part 225 Training and Use of Subprofessionals and Volunteers

Part 225, which is inclusive of 45 CFR parts 225.1, 225.2, and 225.3, was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Part. Thus, this final rule removes and reserves this Part.

45 CFR Part 233 Coverage and Conditions of Eligibility in Financial Assistance Programs

§ 233.21 Budgeting Methods for OAA, AB, APTD, and AABD

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.22 Determining Eligibility Under Prospective Budgeting

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.23 When Assistance Shall Be Paid Under Retrospective Budgeting

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.24 Retrospective Budgeting; Determining Eligibility and Computing the Assistance Payment in the Initial One or Two Months

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.25 Retrospective Budgeting; Computing the Assistance Payment After the Initial One or Two Months

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.26 Retrospective Budgeting; Determining the Eligibility After the Initial One or Two Months

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section.

Thus, this final rule removes and reserves this Section.

§ 233.27 Supplemental Payments Under Retrospective Budgeting

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.28 Monthly Reporting

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.29 How Monthly Reports Are Treated and What Notices Are Required

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.31 Budgeting Methods for AFDC

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.32 Payment and Budget Months (AFDC)

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.33 Determining Eligibility Prospectively for All Payment Months (AFDC)

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.34 Computing the Assistance Payment in the Initial One or Two Months (AFDC)

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.35 Computing the Assistance Payment Under Retrospective Budgeting After the Initial One or Two Months (AFDC)

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.36 Monthly Reporting (AFDC)

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.37 How Monthly Reports Are Treated and What Notices Are Required (AFDC)

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.38 Waiver of Monthly Reporting and Retrospective Budgeting Requirements; AFDC

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.39 Age

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section.

Thus, this final rule removes and reserves this Section.

§ 233.40 Residence

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.50 Citizenship and Alienage

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.51 Eligibility of Sponsored Aliens

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.52 Overpayment to Aliens

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.53 Support and Maintenance Assistance (Including Home Energy Assistance) in AFDC

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.60 Institutional Status

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.70 Blindness

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.80 Disability

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.100 Dependent Children of Unemployed Parents

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.101 Dependent Children of Unemployed Parents

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.106 Denial of AFDC Benefits to Strikers

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.107 Restriction in Payment to Households Headed by a Minor Parent

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.110 Foster Care Maintenance and Adoption Assistance

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 233.145 Expiration of Medical Assistance Programs Under Titles I, IV–A, X, XIV, and XVI of the Social Security Act

This Section was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

45 CFR Part 234 Financial Assistance to Individuals

Part 234, which is inclusive of 45 CFR parts 234.11, 234.60, 234.70, 234.75, 234.120, and 234.130, was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Part. Thus, this final rule removes and reserves this Part.

45 CFR Part 235 Administration of Financial Assistance Programs

Part 235, which is inclusive of 45 CFR parts 235.50, 235.60, 235.61, 235.62, 235.63, 235.64, 235.65, 235.66, 235.70, and 235.110, was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There was one comment specifically on one Section within this Part: Section 235.50. This final rule removes and reserves this Part.

Comment: A commenter was concerned that the removal of Section 235.50 within this Part would eliminate the requirement that TANF staff meet the requirements of the Merit System of Personnel Administration under 5 CFR part 900, subpart F. The commenter stated that without Section 235.50 there would be no standards to ensure quality staff, equitable compensation, training, or freedom from partisan politics.

Response: The Department appreciates the commenter's concern regarding personnel standards for the administration of public assistance programs. Section 235.50 was promulgated in connection with the former AFDC program and is obsolete following the replacement of AFDC by the TANF program under PRWORA. Removing this obsolete AFDC regulation does not alter any otherwise applicable Federal personnel or merit system requirements. This rulemaking is limited to removing obsolete regulations and does not establish or modify personnel standards applicable to TANF programs. Accordingly, the Department is finalizing the removal and reservation of Part 235, including § 235.50, as proposed.

45 CFR Part 237 Financial Administration of Financial Assistance Programs

Part 237, which is only inclusive of 45 CFR part 237.50, was established for the AFDC Program which was in effect from 1935 to 1996. However, this program was replaced during the welfare reform era of the 1990s with many of AFDC's former responsibilities now falling under the TANF program following its creation in 1996. AFDC no longer exists. As such, the regulations do not need to remain on the books for a program that Congress eliminated. While some provisions relate to the Adult Assistance programs that still operate in Guam, Puerto Rico, and the Virgin Islands, the statute provides sufficient authority for general administrative and procedural operations of these programs to be addressed in sub-regulatory guidance. There were no comments specifically on this Part. Thus, this final rule removes and reserves this Part.

45 CFR Part 260 General TANF Provisions

Subpart A—What rules generally apply to the TANF program?

§ 260.10 What does this part cover?

This Section does not provide any additional clarity, interpretation, or additional requirements. The removal of this Section will not affect program operations as the scope and authority for TANF are adequately defined elsewhere in the regulatory framework. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 260.32 What does the term ''WtW cash assistance'' mean?

This Section defines the term ''WtW cash assistance.'' This Section relates to the WtW program which has been unfunded since 2004, and therefore inactive for over 20 years. As this Part refers to an inactive program, the removal of this Part will not affect the operations for the TANF program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart B—What special provisions apply to victims of domestic violence?

§ 260.50 What is the purpose of this subpart?

This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 602(a)(7), the removal of this Section will not affect program operations for TANF. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: A commenter stated their opposition to the removal of this Section as they assert that removing this Section will inject ambiguity into a framework that protects survivors of domestic violence. The commenter recommended that if HHS were to remove this Section that the final rule should expressly affirm that the Family Violence Option (VFO) and the associated penalty relief framework in Sections 260.58 and 260.59 remain fully in effect and that no substantive changes to survivor protections are intended.

Response: The Department appreciates the commenter's concern regarding the continued protection of survivors of domestic violence under the TANF program. The Department did not intend to, and this final rule does not, make any substantive changes to those protections. Section 260.50 merely restates statutory language found at 42 U.S.C. 602(a)(7) and does not impose requirements beyond those established by statute. Accordingly, while § 260.50 is removed as duplicative of the statute, the VFO established by statute, as well as the implementing provisions in §§ 260.58 and 260.59, remain in effect. Accordingly, the Department is finalizing the removal and reservation of § 260.50 as proposed.

§ 260.52 What are the basic provisions of the Family Violence Option (FVO)?

This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 602(a)(7)(A), the removal of this Section will not affect program operations for TANF. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: A commenter stated their opposition to the removal of this Section as they assert that removing this Section will inject ambiguity into a framework that protects survivors of domestic violence. The commenter recommended that if HHS were to remove this Section that the final rule should expressly affirm that the Family Violence Option (VFO) and the associated penalty relief framework in Sections 260.58 and 260.59 remain fully in effect and that no substantive changes to survivor protections are intended.

Response: The Department appreciates the commenter's concern regarding the continued protection of survivors of domestic violence under the TANF program. The Department did not intend to, and this final rule does not, make any substantive changes to those protections. Section 260.52 merely restates statutory language found at 42 U.S.C. 602(a)(7)(A) and does not impose requirements beyond those established by statute. Accordingly, while § 260.52 is removed as duplicative of the statute, the FVO established by statute, as well as the implementing provisions in §§ 260.58 and 260.59, remain in effect. Accordingly, the Department is finalizing the removal and reservation of § 260.52 as proposed.

Subpart C—What special provisions apply to states that were operating programs under approved waivers?

§ 260.70 What is the purpose of this subpart?

This Section refers to an outdated opportunity for states to continue to keep Section 1115 ''welfare reform'' waivers in place as described under Section 415 of the Social Security Act so long as the waivers were in place on August 22, 1996. This was designed to allow for states to maintain their policies as allowed by the waiver, if they were inconsistent with the amendments made by PRWORA. However, as all of these waivers were for a set period of time, conformity with PRWORA was required at the point of expiration. As such, the last state waiver expired in 2006, thus making any regulations relating to this process obsolete. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 260.71 What definitions apply to this subpart?

This Section refers to an outdated opportunity for states to continue to keep Section 1115 ''welfare reform'' waivers in place as described under Section 415 of the Social Security Act so long as the waivers were in place on August 22, 1996. This was designed to allow for states to maintain their policies as allowed by the waiver, if they were inconsistent with the amendments made by PRWORA. However, as all of these waivers were for a set period of time, conformity with PRWORA was required at the point of expiration. As such, the last state waiver expired in 2006, thus making any regulations relating to this process obsolete. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 260.72 What basic requirements must State demonstration components meet for the purpose of determining if inconsistencies exist with respect to work requirements or time limits?

This Section refers to an outdated opportunity for states to continue to keep Section 1115 ''welfare reform'' waivers in place as described under Section 415 of the Social Security Act so long as the waivers were in place on August 22, 1996. This was designed to allow for states to maintain their policies as allowed by the waiver, if they were inconsistent with the amendments made by PRWORA. However, as all of these waivers were for a set period of time, conformity with PRWORA was required at the point of expiration. As such, the last state waiver expired in 2006, thus making any regulations relating to this process obsolete. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 260.73 How do existing welfare reform waivers affect the participation rates and work rules?

This Section refers to an outdated opportunity for states to continue to keep Section 1115 ''welfare reform'' waivers in place as described under Section 415 of the Social Security Act so long as the waivers were in place on August 22, 1996. This was designed to allow for states to maintain their policies as allowed by the waiver, if they were inconsistent with the amendments made by PRWORA. However, as all of these waivers were for a set period of time, conformity with PRWORA was required at the point of expiration. As such, the last state waiver expired in 2006, thus making any regulations relating to this process obsolete. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 260.74 How do existing welfare reform waivers affect the application of the Federal time-limit provisions?

This Section refers to an outdated opportunity for states to continue to keep Section 1115 ''welfare reform'' waivers in place as described under Section 415 of the Social Security Act so long as the waivers were in place on August 22, 1996. This was designed to allow for states to maintain their policies as allowed by the waiver, if they were inconsistent with the amendments made by PRWORA. However, as all of these waivers were for a set period of time, conformity with PRWORA was required at the point of expiration. As such, the last state waiver expired in 2006, thus making any regulations relating to this process obsolete. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 260.75 If a State is claiming a waiver inconsistency for work requirements or time limits, what must the Governor certify?

This Section refers to an outdated opportunity for states to continue to keep Section 1115 ''welfare reform'' waivers in place as described under Section 415 of the Social Security Act so long as the waivers were in place on August 22, 1996. This was designed to allow for states to maintain their policies as allowed by the waiver, if they were inconsistent with the amendments made by PRWORA. However, as all of these waivers were for a set period of time, conformity with PRWORA was required at the point of expiration. As such, the last state waiver expired in 2006, thus making any regulations relating to this process obsolete. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 260.76 What special rules apply to States that are continuing evaluations of their waiver demonstrations?

This Section refers to an outdated opportunity for states to continue to keep Section 1115 ''welfare reform'' waivers in place as described under Section 415 of the Social Security Act so long as the waivers were in place on August 22, 1996. This was designed to allow for states to maintain their policies as allowed by the waiver, if they were inconsistent with the amendments made by PRWORA. However, as all of these waivers were for a set period of time, conformity with PRWORA was required at the point of expiration. As such, the last state waiver expired in 2006, thus making any regulations relating to this process obsolete. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

45 CFR Part 261 Ensuring That Recipients Work

§ 261.1 What does this part cover?

This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 602, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart A—What are the provisions addressing individual responsibility?

§ 261.10 What work requirements must an individual meet?

This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 602(a)(1)(A)(ii) and 42 U.S.C. 602(a)(1)(B)(iv), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 261.11 Which recipients must have an assessment under TANF?

This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 608(b), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 261.12 What is an individual responsibility plan?

This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 608(b)(2), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 261.13 May an individual be penalized for not following an individual responsibility plan?

This Section states the implications for an individual who receives benefits but does not follow an individual responsibility plan. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 608(b)(3), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 261.14 What is the penalty if an individual refuses to engage in work?

This Section states the penalties for individuals who receive benefits but refuse to work. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 607(e)(1) and 42 U.S.C. 609(a)(14), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 261.15 Can a family be penalized if a parent refuses to work because he or she cannot find child care?

This Section clarifies that a family cannot be penalized if a parent refuses to work because he or she cannot find child care. The Section further identifies penalties for a State if they penalize parents who are covered under this provision. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 607(e)(2) and 42 U.S.C. 609(a)(14), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 261.16 Does the imposition of a penalty affect an individual's work requirement?

This Section declares that any penalty issued by a State against a family for failure to comply with TANF requirements does not represent a reduction in any wage paid to such individual. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 608(c), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart B—What are the provisions addressing state accountability?

§ 261.21 What overall work rate must a State meet?

This Section details that each State must achieve at least a 50 percent work participation rate, minus any caseload reduction credit. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 607(a)(1), (b)(1)–(3), the removal of this Section will not affect program operations for TANF. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: One commenter was concerned with the removal of this Section. They stated that other Sections that were not proposed for removal reference § 261.21 and that this could produce confusion. The recommendation was to either keep this Section, or to confirm that the 50 percent work participation credit and the accompanying calculation and caseload-reduction credit provisions that depend on them remain unchanged. The commenter also recommended that cross references be updated to ensure clarity.

Response: The Department appreciates the commenter's concern regarding clarity in the work participation rate requirements. In response to this comment, the Department intends to update cross-references in the regulations, as appropriate, to avoid confusion resulting from the removal of § 261.21. Section 261.21 merely restates the statutory work participation rate requirements found at 42 U.S.C. 607(a)(1) and (b)(1) through (3) and does not impose requirements beyond those established by statute. Removing this duplicative regulation does not alter the 50 percent work participation rate, the caseload reduction credit, or the methodology governing their application, all of which continue to be governed by the statute. Accordingly, the Department is finalizing the removal and reservation of § 261.21 as proposed.

§ 261.23 What two-parent work rate must a State meet?

This Section details that each State must achieve at least a 90 percent two-parent work participation rate, minus any caseload reduction credit. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 607(a)(2), (b)(1)–(3), the removal of this Section will not affect program operations for TANF. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: One commenter was concerned with the removal of this Section. They stated that other Sections that were not proposed for removal reference § 261.23 and that this could produce confusion. The recommendation was to either keep this Section, or to confirm that the 90 percent two-parent work participation rate and the accompanying calculation and caseload-reduction credit provisions that depend on them remain unchanged. The commenter also recommended that cross references be updated to ensure clarity.

Response: The Department appreciates the commenter's concern regarding clarity in the two-parent work participation rate requirements. In response to this comment, the Department intends to update cross-references in the regulations, as appropriate, to avoid confusion resulting from the removal of § 261.23. Section 261.23 merely restates the statutory two-parent work participation rate requirements found at 42 U.S.C. 607(a)(2) and (b)(1) through (3) and does not impose requirements beyond those established by statute. Removing this duplicative regulation does not alter the 90 percent two-parent work participation rate, the caseload reduction credit, or the methodology governing their application, all of which continue to be governed by the statute. Accordingly, the Department is finalizing the removal and reservation of § 261.23 as proposed.

Subpart C—What are the work activities and how do they count?

§ 261.30 What are the work activities?

This Section provides a list of what is counted as work activities. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 607(d), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 261.33 What are the special requirements concerning educational activities in determining monthly participation rates?

This Section provides special requirements related to determining monthly work participation rates for instances including individuals in vocational training and individuals under 20 years of age. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 607(c)(2), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 261.35 Are there any special work provisions for single custodial parents?

This Section states that a single custodial parent or caretaker relative with a child below the age of six will be considered as engaged in work if they participate in qualified activities for at least 20 hours per week. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 607(c)(2)(B), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 261.36 Do welfare reform waivers affect the calculation of a State's participation rates?

This Section discusses how a welfare reform waiver could impact a State's workforce participation rate. This Section refers to an inactive practice. The last ''welfare reform waiver'' expired in 2006, thus making this Section outdated and obsolete. Therefore, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart E—What penalties apply to states related to work requirements?

§ 261.54 Is a State subject to any other penalty relating to its work program?

This Section discusses that States are eligible to receive additional penalties for improperly imposing penalties on individuals. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 607(e) and 42 U.S.C. 609(a)(14), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart G—What nondisplacement rules apply in TANF?

§ 261.70 What safeguards are there to ensure that participants in work activities do not displace other workers?

This Section discusses what other safeguards exist to ensure that participants in work activities are not displacing other workers. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 607(f), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart H—How do welfare reform waivers affect state penalties?

§ 261.80 How do existing welfare reform waivers affect a State's penalty liability under this part?

This Section discusses how a welfare reform waiver could impact a State's penalty liability in relation to this Part. This Section refers to an inactive practice. The last "welfare reform waiver" expired in 2006, thus making this Section outdated and obsolete. Therefore, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

45 CFR Part 262 Accountability Provisions—General

§ 262.0 What definitions apply to this part?

This Section discusses that the general TANF definitions found in Part 260 apply to this Part as well. This Section cites back to 45 CFR 260.30 which already states that "the following definitions apply under parts 260 through 265 of this chapter." In other words, Part 260 establishes that those definitions are used throughout the subsequent five parts. Therefore, there is no need to restate that the definitions from 260 are utilized in Part 262. As this Section is duplicative, its removal will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 262.1 What penalties apply to States?

This Section details a list of TANF fiscal penalties that can be imposed on States. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 609, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

45 CFR Part 263 Expenditures of State and Federal TANF Funds

Subpart A—What rules apply to a state's maintenance of effort?

§ 263.1 How much State money must a State expend annually to meet the basic MOE requirement?

This Section describes the amount of money States are required to spend annually to meet the basic MOE requirement of the TANF program. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 609, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 263.3 When do child care expenditures count?

This Section discusses when State funds expended on child care may be counted towards the basic MOE requirement. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 609, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 263.8 What happens if a State fails to meet the basic MOE requirement?

This Section details what penalties and actions ACF will take when a State fails to meet the basic MOE requirement. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 609, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 263.9 May a State avoid a penalty for failing to meet the basic MOE requirement through reasonable cause or corrective compliance?

This Section details that the reasonable cause and corrective compliance provisions would not prevent a State from penalties for failing to meet the basic MOE requirements as it does not apply. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 609(b)–(c), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart C—What rules apply to Individual Development Accounts?

§ 263.20 What definitions apply to Individual Development Accounts (IDAs)?

This Section defines terms related to the Individual Development Accounts. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 604(h), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 263.21 May a State use the TANF grant to fund IDAs?

This Section explains that a State may use Federal TANF funds or WtW dollars to fund IDAs for individuals eligible for TANF. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 604, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 263.22 Are there any restrictions on IDA funds?

This Section details the restrictions that apply to recipients of IDA funds. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 604, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

45 CFR Part 264 Other Accountability Provisions

§ 264.0 What definitions apply to this part?

This Section defines terms related to this Part. Specifically, it is broken down into two components: (1) that the general TANF definitions found in Part 260 apply to this Part as well, and (2) lists several additional terms not defined in Part 260. The first component of this Section cites back to 45 CFR 260.30 which already states that "the following definitions apply under parts 260 through 265 of this chapter." In other words, Part 260 establishes that those definitions are used throughout the subsequent five parts. Therefore, there is no need to restate that the definitions from 260 are utilized in Part 264.

The second component of this Part merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 603 and 608, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart A—What specific rules apply for other program penalties?

§ 264.2 What happens if a State does not comply with the five-year limit?

This Section explains that if a State does not comply with the five-year assistance limit that they will face a penalty of a reduction of five percent of the adjusted State Family Assistance Grant (SFAG). This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 609(a)(9), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 264.40 What happens if a State does not repay a Federal loan?

This Section explains that when a State fails to repay a Federal loan that the SFAG payable for the succeeding fiscal year will deduct the amount of the loan balance plus all accumulated interest. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 609(a)(6), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 264.60 What policies and practices must a State implement to prevent assistance use in electronic benefit transfer transactions in locations prohibited by the Social Security Act?

This Section discusses that States must enact policies that prevent TANF or MOE funds from being used towards expenditures at liquor stores, casinos, and strip clubs. This merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 608(a)(12), the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 264.61 What happens if a State fails to report or demonstrate it has implemented and maintained practices required in § 264.60?

This Section details that a State's failure to implement policies that restrict usage of TANF or MOE funds for liquor stores, casinos, or strip clubs will be subject to additional penalties. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 608, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart B—What are the requirements for the contingency fund?

§ 264.70 What makes a State eligible to receive a provisional payment of contingency funds?

This Section discusses the qualifications to receive a provisional payment of contingency funds and explicitly restricts the Tribes and Territories from being eligible to be deemed as a ''needy State.'' This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 603(b), the removal of this Section will not affect program operations for TANF. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: One commenter was concerned that the removal of this Section could cause a lack of a clear statement of eligibility for the contingency fund.

Response: The Department appreciates the commenter's concern regarding clarity in the eligibility requirements for contingency funds. Section 264.70 merely restates the statutory eligibility requirements for contingency funds found at 42 U.S.C. 603(b) and does not impose requirements beyond those established by statute. Removing this duplicative regulation does not alter the eligibility criteria for provisional contingency fund payments, which continue to be governed by the statute. Accordingly, the Department is finalizing the removal and reservation of § 264.70 as proposed.

§ 264.71 What determines the amount of the provisional payment of contingency funds that will be made to a State?

This Section discusses the methodology for calculating the amount of the provisional payment of contingency fund that can be awarded to a State. This Section contradicts the plain reading of the language found at 42 U.S.C. 603(b). Therefore, removing this Section will return the operation of the program to be in line with legislative intent. There was one commenter who commented specifically on this Section. This final rule removes and reserves this Section.

Comment: One commenter disagreed with the removal of this Section. The commenter stated that HHS's stated rationale, that this Section conflicted with a clear reading of statute, was inappropriate. The commenter stated that while this docket as a whole is intended to be ''housekeeping,'' they believe this specific Section change represents a substantive policy change and thereby needs to propose a replacement methodology. The commenter further stated that HHS should explain how this Section is inconsistent with statute, propose a replacement methodology, and provide an analysis of how this could impact States.

Response: The Department appreciates the commenter's concern regarding the methodology for calculating provisional contingency fund payments. As explained in the proposed rule, § 264.71 is inconsistent with the methodology established by section 403(b) of the Social Security Act (42 U.S.C. 603(b)). Specifically, 42 U.S.C. 603(b)(3)(C) indicates the ''total amount paid to a single State under subparagraph (A) during the month shall not exceed $\frac{1}{12}$ of 20 percent of the State family assistance grant'' whereas the regulation at subsection (a) indicates the ''amount that we will pay to a State in a fiscal year will not exceed an amount equal to $\frac{1}{12}$ times 20 percent of that State's SFAG for that fiscal year, multiplied by the number of eligible months for which the State has requested contingency funds.'' *See* 42 U.S.C. 603(b)(3)(c) (emphasis added) and 45 CFR 267.71(a) (emphasis added). Removing a regulation that is inconsistent with the governing statute does not establish a new methodology;

rather, it removes a regulatory provision that conflicts with the methodology enacted by Congress. Because the statute governs the calculation of provisional contingency fund payments, the removal of § 264.71 does not create uncertainty regarding the applicable methodology. The Department also considered whether States have developed reliance interests in the procedures reflected in § 264.71. Although States may need to adjust certain administrative processes, including submitting applications on a monthly basis and providing information necessary to support monthly payment determinations, the Department does not expect this removal to affect the amount of contingency funding for which an eligible State may qualify. The Department concludes that these limited administrative reliance interests do not warrant retaining a regulation that is inconsistent with section 403(b) of the Social Security Act. The Department intends to provide additional information regarding implementation through sub-regulatory guidance. Accordingly, the Department is finalizing the removal and reservation of § 264.71 as proposed.

Comment: The same commenter stated that they believe that the removal of this Section will produce such a substantial impact on States that the certifications that this rule produces no federalism implications under Executive Order 13132 and that this rule does not produce a ''significant'' economic impact under the Regulatory Flexibility Act is inaccurate. The commenter requests that a further notice be published in the **Federal Register** allowing for further comment from potentially impacted States.

Response: The Department disagrees with the commenter's assertion that the removal of § 264.71 gives rise to federalism implications under Executive Order 13132 or a significant economic impact requiring additional analysis under the Regulatory Flexibility Act. The Regulatory Flexibility Act does not apply because these regulations are applicable to States and Territories, which are not small entities. As for Executive Order 13132, it only requires consultation if as regulation imposes substantial direct compliance costs or preempts State law. Because this action does not establish new requirements or impose new obligations beyond those already established by statute, the Department does not believe that additional notice or regulatory analyses are warranted. Accordingly, the Department is finalizing the removal and reservation of § 264.71 as proposed.

Subpart C—What rules pertain specifically to the spending levels of the territories?

§ 264.83 How will we know if a Territory failed to meet the Matching Grant funding requirements at § 264.80?

This Section discusses the requirement for Territories to submit information as required by other regulations on the quarterly Territorial Financial Report. The requirement of a quarterly report is procedural and therefore better addressed in sub-regulatory guidance. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 264.85 What rights of appeal are available to the Territories?

This Section states that Territories may appeal a disallowance to the Departmental Appeals Board. This Section does not need to be in regulation. ACF can enter a memorandum of understanding with the Departmental Appeals Board for appeals of disallowances under the Matching grant, or territories could go to Federal Court. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

45 CFR Part 265 Data Collection and Reporting Requirements

§ 265.6 Must States file reports electronically?

This Section details that each State must submit their reports electronically based on format specifications prescribed by HHS. HHS has the right to require reports to be completed in a particular format regardless of this regulation. Furthermore, as this Section states that the format will be specified by HHS, it already concedes that this regulation is not penultimate in the sense that there are other guidance documents that further detail report filing specifications. Therefore, the removal of this Section will not affect the operations for the TANF program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

45 CFR Part 270 High Performance Bonus Awards

Part 270, which is inclusive of 45 CFR parts 270.1, 270.2, 270.3, 270.4, 270.5, 270.6, 270.7, 270.8, 270.9, 270.10, 270.11, 270.12, and 270.13, are the regulatory provisions relating to the bonus to reward high performing States in the TANF program. The High Performance Bonus (HPB) had its funding eliminated through the Deficit Reduction Act of 2005. Therefore, this program has been unfunded and inactive for over 20 years. As this Part refers to an inactive program, the removal of this Part will not affect the operations for the TANF program. There were no comments specifically on this Part. Thus, this final rule removes and reserves this Part.

45 CFR Part 283 Implementation of Section 403(a)(2) of the Social Security Act Bonus To Reward Decrease in Illegitimacy Ratio

Part 283, which is inclusive of 45 CFR parts 283.1, 283.2, 283.3, 283.4, 283.5, 283.6, 283.7, 283.8, and 283.9, are the regulatory provisions relating to the ''Bonus to Reward Decrease in Illegitimacy Ratio''. This bonus program was eliminated through the Deficit Reduction Act of 2005. Therefore, this program has been unfunded and inactive for over 20 years. As this Part refers to an inactive program, the removal of this Part will not affect the operations for the TANF program. There were no comments specifically on this Part. Thus, this final rule removes and reserves this Part.

45 CFR Part 284 Methodology for Determining Whether an Increase in a State or Territory's Child Poverty Rate is the Result of the TANF Program

Part 284, which is inclusive of 45 CFR parts 284.10, 284.11, 284.15, 284.20, 284.21, 284.30, 284.35, 284.40, 284.45, and 284.50, are the regulatory provisions relating to the methodology for determining the child poverty rates in the States and Territories. The Consolidated Appropriations Act of 2017 rewrote Section 413 of the Social Security Act which removed the provision authorizing this Part. Therefore, this regulation is inactive and no longer needs to exist. The removal of this Part will not affect the operations of the TANF program. There were no comments specifically on this Part. Thus, this final rule removes and reserves this Part.

45 CFR Part 286 Tribal TANF Provisions

Subpart A—General Tribal TANF Provisions

§ 286.15 Who is eligible to operate a Tribal TANF program?

This Section discusses how either an Indian Tribe or an intertribal consortium of eligible Indian Tribes can apply to operate a Tribal Family Assistance Program (TFAP). This Section imposes no requirements on Tribes and merely informs them of ACF policy. As a statement of policy, ACF believes this provision would be more appropriate for sub-regulatory guidance. The removal of this Section will not affect program operations for TANF. There was one comment specifically on this Section. This final rule removes and reserves this Section.

Comment: One commenter was concerned that moving this Section from regulation into a sub-regulatory format could leave Tribes with reduced regulatory certainty. The commenter urged HHS to recognize the unique needs and nature of Tribal governments and that a one-size-fits all approach would inhibit the ability to be responsive to the individual needs of their communities.

Response: The Department appreciates the commenter's concern regarding regulatory certainty for Tribal governments and recognizes the unique circumstances of Tribal TANF programs. Section 286.15 merely restates the statutory framework governing Tribal eligibility to operate a Tribal Family Assistance Program and does not impose requirements beyond those established by statute. Removing this duplicative regulation does not alter the eligibility of Indian Tribes or intertribal consortia to operate Tribal TANF programs or otherwise change the requirements applicable to those programs. Accordingly, the Department is finalizing the removal and reservation of § 286.15 as proposed.

Subpart B—Tribal TANF Funding

§ 286.60 Must Tribes obligate all Tribal Family Assistance Grant funds by the end of the fiscal year in which they are awarded?

This Section states that Tribes are not required to obligate all Tribal Family Assistance Grant (TFAG) funds by the end of the fiscal year in which they are awarded. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 604, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart C—Tribal TANF Plan Content and Processing

§ 286.130 Does the recipient of Welfare-to-Work (WtW) cash assistance count towards a Tribe's TANF time limit?

This Section discusses the instances in which WtW cash assistance is counted towards a Tribe's TANF time limit. This Section relates to the WtW program which has been unfunded since 2004, and therefore inactive for over 20 years. As this Section refers to an inactive program, the removal of this Section will not affect the operations for the TANF program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 286.175 What special provisions apply in Alaska?

This Section details the special requirements and allowances available to the State of Alaska. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 612, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 286.180 What is the process required for developing comparability criteria that are required in Alaska?

This Section describes that HHS will work with Tribes in Alaska as well as the State of Alaska to develop a process for the development and amendment of the comparability criteria. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 612, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart D—Accountability and Penalties

§ 286.235 What penalties cannot be excused?

This Section discusses that the two penalties that cannot be excused are the penalty for failure to repay a Federal loan and a penalty for failure to replace any reduction in the TFAG from other penalties. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 609 and in other regulations at 45 CFR 286.195, the removal of this Section will not affect program operations for TANF. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart E—Data Collection and Reporting Requirements

§ 286.285 How do the data collection and requirements affect Public Law 102–477 Tribes?

This Section describes the impacts of data collection and reporting for 102–477 Tribes. This Section restates the requirements for Tribes to comply with the reporting requirements as is already stated in Public Law 102–477. Therefore, this language is duplicative and the removal of this Section will not affect the operation of the TANF program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

45 CFR Part 287 The Native Employment Works (NEW) Program

Subpart A—General NEW Provisions

§ 287.5 What is the purpose and scope of the NEW Program?

This Section states the general purpose and scope of the NEW program. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 612, the removal of this Section will not affect the operations of the NEW Program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart B—Eligible Tribes

§ 287.15 Which Tribes are eligible to apply for NEW Program grants?

This Section discusses which Tribes are eligible to apply for the NEW Program. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 612, the removal of this Section will not affect the operations of the NEW Program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 287.20 May a Public Law 102–477 Tribe operate a NEW Program?

This Section clarifies that a Public Law 102–477 Tribe can operate a NEW Program so long as the Tribe is an ''eligible Indian tribe.'' This Section is merely an interpretation Public Law 102–477, as amended, and 42 U.S.C. 612(a)(2), which authorizes the NEW program. The removal of this Section will not affect the operation of the NEW Program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart C—NEW Program Funding

§ 287.35 What grant amounts are available under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) for the NEW Program?

This Section details the amount of funds that each Tribe will receive under PRWORA for the NEW Program. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 612, the removal of this Section will not affect the operations of the NEW Program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 287.40 Are there any matching funds requirements with the NEW Program?

This Section states that there are no matching fund requirements with the NEW Program. As the authorizing statute makes no mention of matching requirements, HHS is therefore not authorized to impose such requirements. This Section may be better suited in a sub-regulatory frequently asked questions document. The removal of this Section will not affect program operations for the NEW Program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 287.60 Are there additional financial reporting and auditing requirements?

This Section states that NEW Program grantees are required to comply with other Federal government and HHS-wide regulations regarding auditing and financial requirements. Irrespective of this Section, NEW Program grantees are required to comply with such regulations. The removal of this Section will not result in grantees no longer having to abide by general financial reporting requirements and will not affect program operations for the NEW Program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 287.65 What OMB circulars apply to the NEW Program?

This Section states which OMB circulars apply to the NEW Program. The circulars listed in this Section have since been superseded by the Uniform Guidance found at 2 CFR part 200. As such, this Section is stating outdated and inaccurate information. Therefore, the removal of this Section will not affect the operation of the NEW Program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart D—Plan Requirements

§ 287.90 Are Tribes required to complete any certifications?

This Section states that Tribes are required to complete certain certifications for the NEW Program. The requirement that Tribes attain certain certifications exists in a variety of other locations including in other Federal government-wide statutes. Therefore, the removal of this Section will not affect the operation of the NEW Program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 287.95 May a Tribe operate both a NEW Program and a Tribal TANF program?

This Section clarifies that a Tribe may operate both a NEW Program as well as a Tribal TANF program so long as they meet the statutory requirements of both programs. Nothing in either authorizing statute indicates that a Tribe is prohibited from operating both programs, with each statute explicitly stating what Tribes are eligible to apply. This Section does not belong in regulation but could serve a useful purpose in a sub-regulatory format, such as a frequently asked questions document. The removal of this Section will not affect the operations of the NEW program or the TANF program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 287.100 Must a Tribe that operates both NEW and Tribal TANF programs submit two separate plans?

This Section states that a Tribe that operates both a NEW Program and a Tribal TANF program must submit two separate plans. The requirement for grantees to submit a plan is implied by having separate plan requirements in Part 286 (Tribal TANF) and Part 287 (NEW). This Section does not belong in regulation but could serve a useful purpose in a sub-regulatory format, such as a frequently asked questions document. The removal of this Section will not affect the operations of the NEW program or the TANF program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart E—Program Design and Operations

§ 287.105 What provisions of the Social Security Act govern the NEW Program?

This Section discusses what provisions of the Social Security Act govern the NEW Program. This Section merely restates statutory language without adding any clarity, interpretation, or additional requirements not already found in statute. As the language is already found at 42 U.S.C. 612, the removal of this Section will not affect the operations of the NEW Program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

Subpart F—Data Collection and Reporting Requirements

§ 287.165 What are the data collection and reporting requirements for Public Law 102–477 Tribes that consolidate a NEW Program with other programs?

This Section lists what other data collection and reporting requirements apply to Public Law 102–477 Tribes that choose to consolidate their NEW Program with other programs. This Section is outdated and unnecessary. Reporting requirements under Public Law 102–477 are governed by 25 U.S.C. 3410 and are the responsibility of the Bureau of Indian Affairs (BIA) in coordination with each agency. Therefore, guidance on reporting could be issued by BIA. The removal of this Section will not affect the operation of the NEW Program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

§ 287.170 What are the data collection and reporting requirements for a Tribe that operates both the NEW Program and a Tribal TANF program?

This Section lists what other data collection and reporting requirements apply to Tribes that operate both a NEW Program as well as a Tribal TANF program. This Section states that each Tribe must comply with the specific requirements found in the respective program statutes and regulations. That requirement is true regardless of this Section. The removal of this Section will not affect the operation of either the NEW Program or the TANF program. There were no comments specifically on this Section. Thus, this final rule removes and reserves this Section.

VII. Regulatory Process Matters

Paperwork Reduction Act

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.,* as amended) (PRA), all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any reporting or recordkeeping requirements inherent in a proposed or final rule. This final rule does not contain any information collections requiring OMB approval under the PRA and, therefore, will not create any new paperwork burdens or modify existing burdens subject to OMB review.

Executive Order 13132

Executive Order 13132 requires federal agencies to consult with State and local government officials if they develop regulatory policies with federalism implications that impose substantial direct compliance costs on state or local governments or preempt state law. Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government close to the people. This final rule does not impose substantial compliance costs or pre-empt State law. The Sections the final rule is removing are duplicative and unnecessary regulations from the Office of Family Assistance rules. Therefore, in accordance with Section 6 of Executive Order 13132, it is determined that this action does not warrant the preparation of a federalism summary impact statement.

Assessment of Federal Regulations and Policies on Families

Assessment of Federal Regulations and Policies on Families Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105–277) requires federal agencies to determine whether a policy or regulation may negatively affect family well-being. If the agency determines a policy or regulation negatively affects family well-being, then the agency must prepare an impact assessment addressing seven criteria specified in the law. HHS believes it is not necessary to prepare a family policymaking assessment because the actions in this final rule will not have any impact on the autonomy or integrity of the family as an institution.

VIII. Regulatory Impact Analysis

We have examined the impacts of this final rule under Executive Order 12866, Executive Order 13563, Executive Order 14192, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866 and 13563 direct us to assess all benefits and costs of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits. Rules are ‘‘economically significant’’ under Executive Order 12866 Section 3(f)(1) if they ‘‘have an annual effect on the economy of $100 million or more; or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities.’’ Executive Order 14192 requires that any new incremental costs associated with significant new regulations ‘‘shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations.’’ The Office of Information and Regulatory Affairs (OIRA) has determined that this final rule is not a significant action under Executive Order 12866 Section 3(f).

The Regulatory Flexibility Act (RFA) requires agencies to consider the impact of their regulatory proposals on small entities. Because this is simply repealing obsolete and unnecessary language, we certify that the final rule would not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (UMRA) generally requires that each agency conduct a cost-benefit analysis; identify and consider a reasonable number of regulatory alternatives; and select the least costly, most cost effective, or least burdensome alternative that achieves the objectives of the rule before promulgating any proposed or final rule that includes a Federal mandate that may result in expenditures of more than $100 million (adjusted for inflation) in at least one year by State, local, and tribal governments, in the aggregate, or by the private sector. Each agency issuing a rule with relevant effects over that threshold must also seek input from State, local, and tribal governments. The current threshold after adjustment for inflation is $193 million, using the most current (2025) Implicit Price Deflator for the Gross Domestic Product. This final rule would not result in an expenditure in any year that meets or exceeds this amount.

IX. Tribal Consultation Statement

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, requires agencies to consult with Indian Tribes when regulations have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Similarly, ACF's Tribal Consultation Policy says that consultation is triggered for a new rule adoption that significantly affects tribes, meaning the new rule adoption has substantial direct effects on one on more Indian tribes, on the amount or duration of ACF program funding, on the delivery of ACF programs or services to one or more Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. ACF is nevertheless committed to consulting with Indian Tribes and Tribal leadership on this action to the extent practicable and permitted by law.

List of Subjects

45 CFR Part 201

Grant programs—social programs, Guam, Public assistance programs, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

45 CFR Part 204

Administrative practice and procedure, Grant programs—social programs, Public assistance programs.

45 CFR Part 205

Computer technology, Grant programs—social programs, Privacy, Public assistance programs, Reporting and recordkeeping requirements, Wages.

45 CFR Part 225

Grant programs—social programs, Public assistance programs, Volunteers.

45 CFR Part 233

Aliens, Grant programs—social programs, Public assistance programs, Reporting and recordkeeping requirements.

45 CFR Part 234

Grant programs—social programs, Health care, Public assistance programs, Rent subsidies.

45 CFR Part 235

Aid to Families with Dependent Children, Fraud, Grant programs—social programs, Public assistance programs.

45 CFR Part 237

Grant programs—social programs, Public assistance programs.

45 CFR Part 260

Administrative practice and procedure, Day care, Employment, Grant programs—social programs, Loan programs—social programs, Manpower training programs, Penalties, Public assistance programs, Reporting and recordkeeping requirements.

45 CFR Part 261

Administrative practice and procedure, Day care, Employment, Grant programs—social programs, Loan programs—social programs, Manpower training programs, Penalties, Public assistance programs, Reporting and recordkeeping requirements.

45 CFR Part 262

Administrative practice and procedure, Day care, Employment, Grant programs—social programs, Loan programs—social programs, Manpower training programs, Penalties, Public assistance programs, Reporting and recordkeeping requirements.

45 CFR Part 263

Administrative practice and procedure, Day care, Employment, Grant programs—social programs, Loan programs—social programs, Manpower training programs, Penalties, Public assistance programs, Reporting and recordkeeping requirements.

45 CFR Part 264

Administrative practice and procedure, Day care, Employment, Grant programs—social programs, Loan programs—social programs, Manpower training programs, Penalties, Public assistance programs, Reporting and recordkeeping requirements.

45 CFR Part 265

Administrative practice and procedure, Day care, Employment, Grant programs—social programs, Loan programs—social programs, Manpower training programs, Penalties, Public assistance programs, Reporting and recordkeeping requirements.

45 CFR Part 270

Grant programs—social programs, Public assistance programs, Reporting and recordkeeping requirements.

45 CFR Part 283

Family planning, Health statistics, Public assistance programs.

45 CFR Part 284

Grant programs—social programs, Public assistance programs, Reporting and recordkeeping requirements.

45 CFR Part 286

Administrative practice and procedure, Day care, Employment, Grant programs—social programs, Indians, Loan programs—social programs, Manpower training programs, Penalties, Public assistance programs, Reporting and recordkeeping requirements.

45 CFR Part 287

Administrative practice and procedure, Employment, Grant programs—social programs, Indians, Loan programs—social programs, Manpower training programs, Penalties, Public assistance programs, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, ACF amends 45 CFR parts 201, 204, 205, 225, 233, 234, 235, 237, 260, 261, 262, 263, 264, 265, 270, 283, 284, 286, and 287 as follows:

PART 201—GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 42 U.S.C. 303, 603, 1203, 1301, 1302, 1316, 1353, and 1383 (note).

§§ 201.0, 201.1, 201.3, 201.4, 201.5, 201.6, 201.7, 201.10, 201.11, 201.12, 201.13, 201.14, 201.15, 201.67, and 201.70 [Removed and reserved]

■ 2. Remove and reserve §§ 201.0, 201.1, 201.3, 201.4, 201.5, 201.6, 201.7, 201.10, 201.11, 201.12, 201.13, 201.14, 201.15, 201.67, and 201.70.

PART 204—[REMOVED AND RESERVED]

■ 3. Under the authority of 42 U.S.C. 602(a)(44) and 1302 and sections 1, 5, 6, and 7 of Reorganization Plan No. 1 of 1953, 67 Stat. 631, remove and reserve part 204.

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

■ 4. The authority citation for part 205 continues to read as follows:

Authority: 42 U.S.C. 602, 603, 606, 607, 1302, 1306(a), and 1320b–7: 42 U.S.C. 1973gg–5.

§§ 205.5, 205.10, 205.25, 205.30, 205.32, 205.35, 205.36, 205.37, 205.38, 205.45, 205.70, 205.100, 205.101, 205.120, 205.130, 205.150, 205.160, 205.170, and 205.190 [Removed and reserved]

■ 5. Remove and reserve §§ 205.5, 205.10, 205.25, 205.30, 205.32, 205.35, 205.36, 205.37, 205.38, 205.45, 205.70, 205.100, 205.101, 205.120, 205.130, 205.150, 205.160, 205.170, and 205.190.

PART 225—[REMOVED AND RESERVED]

■ 6. Under the authority of Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302, remove and reserve part 225.

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

■ 7. The authority citation for part 233 continues to read as follows:

Authority: 42 U.S.C. 301, 602, 602 (note), 606, 607, 1202, 1302, 1352, and 1382 (note).

§§ 233.21, 233.22, 233.23, 233.24, 233.25, 233.26, 233.27, 233.28, 233.29, 233.31, 233.32, 233.33, 233.34, 233.35, 233.36, 233.37, 233.38, 233.39, 233.40, 233.50, 233.51, 233.52, 233.53, 233.60, 233.70, 233.80, 233.100, 233.101, 233.106, 233.107, 233.110, and § 233.145 [Removed and reserved]

■ 8. Remove and reserve §§ 233.21, 233.22, 233.23, 233.24, 233.25, 233.26, 233.27, 233.28, 233.29, 233.31, 233.32, 233.33, 233.34, 233.35, 233.36, 233.37, 233.38, 233.39, 233.40, 233.50, 233.51, 233.52, 233.53, 233.60, 233.70, 233.80, 233.100, 233.101, 233.106, 233.107, 233.110, and 233.145.

PART 234—[REMOVED AND RESERVED]

■ 9. Under the authority of 42 U.S.C. 602, 603, 606, and 1302, remove and reserve part 234.

PART 235—[REMOVED AND RESERVED]

■ 10. Under the authority of 42 U.S.C. 603, 616, and 1302, remove and reserve part 235.

PART 237—[REMOVED AND RESERVED]

■ 11. Under the authority of Section 1102 of the Social Security Act (42 U.S.C. 1302); 49 Stat. 647, as amended, remove and reserve part 237.

PART 260—GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROVISIONS

■ 12. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 601, 601 note, 603, 604, 606, 607, 608, 609, 610, 611, 619, and 1308.

§§ 260.10, 260.32, 260.50, 260.52, 260.70, 260.71, 260.72, 260.73, 260.74, 260.75, and 260.76 [Removed and reserved]

■ 13. Remove and reserve §§ 260.10, 260.32, 260.50, 260.52, 260.70, 260.71, 260.72, 260.73, 260.74, 260.75, and 260.76.

PART 261—ENSURING THAT RECIPIENTS WORK

■ 14. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 601, 602, 607, and 609; Pub. L. 109–171.

§§ 261.1 261.10, 261.11, 261.12, 261.13, 261.14, 261.15, 261.16, 261.21, 261.23, 261.30, 261.33, 261.35, 261.36, 261.54, 261.70, and 261.80 [Removed and reserved]

■ 15. Remove and reserve §§ 261.1, 261.10, 261.11, 261.12, 261.13, 261.14, 261.15, 261.16, 261.21, 261.23, 261.30, 261.33, 261.35, 261.36, 261.54, 261.70, and 261.80.

PART 262—ACCOUNTABILITY PROVISIONS—GENERAL

■ 16. The authority citation for part 262 continues to read as follows:

Authority: 31 U.S.C. 7501 *et seq.;* 42 U.S.C. 606, 609, and 610; Sec. 7102, Pub. L. 109–171, 120 Stat. 135; Sec. 4004, Pub. L. 112–96, 126 Stat. 197.

§§ 262.0 and 262.1 [Removed and reserved]

■ 17. Remove and reserve §§ 262.0 and 262.1.

PART 263—EXPENDITURES OF STATE AND FEDERAL TANF FUNDS

■ 18. The authority citation for part 263 continues to read as follows:

Authority: 42 U.S.C. 604, 607, 609, and 862a; Pub. L. 109–171.

§§ 263.1, 263.3, 263.8, 263.9, 263.20, 263.21, and 263.22 [Removed and reserved]

■ 19. Remove and reserve §§ 263.1, 263.3, 263.8, 263.9, 263.20, 263.21, and 263.22.

PART 264—OTHER ACCOUNTABILITY PROVISIONS

■ 20. The authority citation for part 264 continues to read as follows:

Authority: 31 U.S.C. 7501 *et seq.;* 42 U.S.C. 608, 609, 654, 1302, 1308, and 1337.

§§ 264.0, 264.2, 264.40, 264.60, 264.61, 264.70, 264.71, 264.83, and 264.85 [Removed and reserved]

■ 21. Remove and reserve §§ 264.0, 264.2, 264.40, 264.60, 264.61, 264.70, 264.71, 264.83, and 264.85.

PART 265—DATA COLLECTION AND REPORTING REQUIREMENTS

■ 22. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 603, 605, 607, 609, 611, and 613.

§ 265.6 [Removed and reserved]

■ 23. Remove and reserve § 265.6.

PART 270—[REMOVED AND RESERVED]

■ 24. Under the authority of 42 U.S.C. 603(a)(4), remove and reserve part 270.

PART 283—[REMOVED AND RESERVED]

■ 25. Under the authority of 42 U.S.C. 603, remove and reserve part 283.

PART 284—[REMOVED AND RESERVED]

■ 26. Under the authority of 42 U.S.C. 613(i), remove and reserve part 284.

PART 286—TRIBAL TANF PROVISIONS

■ 27. The authority citation for part 286 continues to read as follows:

Authority: 42 U.S.C. 601. 604, and 612; Public Law 111–5.

§§ 286.15, 286.60, 286.130, 286.175, 286.180, 286.235, and 286.285 [Removed and reserved]

■ 28. Remove and reserve §§ 286.15, 286.60, 286.130, 286.175, 286.180, 286.235, and 286.285.

PART 287—THE NATIVE EMPLOYMENT WORKS (NEW) PROGRAM

■ 29. The authority citation for part 287 continues to read as follows:

Authority: 42 U.S.C. 612.

§§ 287.5, 287.15, 287.20, 287.35, 287.40, 287.60, 287.65, 287.90, 287.95, 287.100, 287.105, 287.165, and 287.170 [Removed and reserved]

■ 30. Remove and reserve §§ 287.5, 287.15, 287.20, 287.35, 287.40, 287.60, 287.65, 287.90, 287.95, 287.100, 287.105, 287.165, and 287.170.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–15567 Filed 7–30–26; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 11

[PS Docket Nos. 22–329, 25–224; FCC 26–38; FR ID 359234]

Modernization of the Nation's Alerting Systems; Protecting the Nation's Communications Systems From Cybersecurity Threats

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In the Report and Order, the Federal Communications Commission (the FCC or the Commission) seeks to preserve the public's trust in the Emergency Alert System (EAS) by requiring targeted cybersecurity improvements that will help protect against hijacking by cybercriminals and our nation's adversaries.

DATES: This rule is effective September 29, 2026.

FOR FURTHER INFORMATION CONTACT: For further information concerning the information contained in this document, please contact David Kirschner, Attorney Advisor, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, at 202–418–0695, or by email to *David.Kirschner@fcc.gov,* or George Donato, Associate Division Chief, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau at 202–418–0729, or by email to *George.Donato@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (*Order*) in PS Docket Nos. 22–329 and 25–224, FCC 26–38, adopted on June 25, 2026, and released on June 29, 2026. A summary of the accompanying proposed rule in PS Docket Nos. 25–224, 15–94, and 15–91, FCC 26–38, adopted on June 25, 2026 and released on June 29, 2026 is published elsewhere in this issue of the **Federal Register**. The full text of this document is available at *https://docs.fcc.gov/public/attachments/FCC-26-38A1.pdf.*

Procedural Matters

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.''