

exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA 44 U.S.C. 3501 *et seq.*, because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

Since tolerance actions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the RFA, 5 U.S.C. 601 *et seq.*, do not apply to this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or on the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because tolerance actions like this one are exempt from review under Executive Order 12866. However, EPA's 2026 Policy on Children's Health applies to this action. This rule finalizes

tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .” (FFDCA 408(b)(2)(C)). The Agency's consideration is summarized in Unit III.E.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 27, 2026.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

For the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Amend § 180.378 by:

■ a. In Table 1 to Paragraph (a):

■ i. Adding in alphabetical order the entry “Pepper, black”;² and

■ ii. Adding footnote 2.

The additions read as follows:

§ 180.378 Permethrin; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Pepper, black ²	0.1
* * * * *	
* * * * *	

²There are no United States registrations for use of permethrin on pepper, black as of August 3, 2026.

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[FR Doc. 2026–15634 Filed 7–31–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1370

RIN 0970–AD42

Reducing Bureaucracy and Burden in Family Violence and Prevention Services

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

ACTION: Final rule.

SUMMARY: This final rule removes duplicative and unnecessary sections from the Family Violence Prevention and Services Program regulations. These amendments will streamline the Family Violence Prevention and Services regulations and make them more accessible to the public.

DATES: Effective date October 2, 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. A plain language summary of the final rule is posted at <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

I. Statutory Authority

This final rule is issued under the authority granted to the Secretary of Health and Human Services by the Family Violence Prevention and Services Act (FVPSA), 42 U.S.C. 10401

et seq. 42 U.S.C. 10404(a)(4) specifically authorizes rulemaking.

II. Background

45 CFR part 1370, “Family Violence Prevention and Services Programs” is a regulatory package established under FVPSA, as amended (42 U.S.C. 10401 *et seq.*), that governs the administration of multiple federal grants implemented for the purposes of increasing public awareness about and preventing family violence, domestic violence, and dating violence; providing immediate shelter and supportive services for victims of family violence, domestic violence, and dating violence and their dependents; providing for technical assistance and training relating to family violence, domestic violence, and dating violence programs; providing for State Domestic Violence Coalitions; providing specialized services for abused parents and their children; and operating a national domestic violence hotline.

The FVPSA regulations were initially published on February 22, 1996 (Family Violence Prevention and Services Programs, 61 FR 6791 (Feb. 22, 1996) (codified at 45 CFR pt. 1370)). They were amended on November 2, 2016. Family Violence and Prevention Services Program, 81 FR 76446 (Nov. 2, 2016) (codified at 45 CFR pt. 1370). The amended regulations reflected FVPSA’s most recent reauthorization under the Child Abuse Prevention and Treatment (CAPTA) Reauthorization Act of 2010 (Pub. L. 111–320). *See* 81 FR 76446, 76446. FVPSA has not been amended since 2010 and the FVPSA regulations have not been amended since 2016.

On April 6, 2026, HHS published a notice of proposed rulemaking (NPRM) titled “Reducing Bureaucracy and Burden in Family Violence and Prevention Services,” 91 FR 17239, Docket No. ACF–2026–0430, RIN 0970–AD42. The NPRM proposed to remove the following sections: the purposes of FVPSA programs (§ 1370.1); government-wide and HHS-wide regulations applicable to FVPSA grants (§ 1370.3); reporting and evaluation requirements, including a Territorial clarification (§ 1370.6); National Resource Center and training and technical assistance grants (§ 1370.30); grants for specialized services for abused parents and their children (§ 1370.31); and National Domestic Violence Hotline grants (§ 1370.32). The comment period closed on May 6, 2026.

III. Executive Summary

This final rule removes several sections of the FVPSA regulations. The regulation sections to be removed and reserved can be designated into two

categories: those that are duplicative and those that are unnecessary because they are better suited for a different format.

The duplicative regulation sections are those that carry no legal weight because their requirements are listed elsewhere in applicable law, such as in statute. Duplicative regulations impose no new obligations and offer no new guidance because the authority and requirements are pulled directly from other statutes and regulations. In many cases, the language in the regulation is identical to the language in the FVPSA statute. Sections removed because they are duplicative are 45 CFR 1370.3, 45 CFR 1370.30 (duplicative in part), 45 CFR 1370.31 (duplicative in part), and 45 CFR 1370.32 (duplicative in part).

Several of the regulation sections are better suited to a different format, such as a Notice of Funding Opportunity (NOFO). These sections either include summaries of program goals or objectives that do not impose any requirements beyond the language in the authorizing statute or they include information generally found in grant documents such as NOFOs. In some cases, the sections merely direct grant applicants and recipients to follow instructions in NOFOs and provide no additional information. These sections are being removed to allow them to be published in the more appropriate format. Sections removed because they are unnecessary include 45 CFR 1370.1, 45 CFR 1370.6, 45 CFR 1370.30, 45 CFR 1370.31, and 45 CFR 1370.32.

Effective Date

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

Severability

The purpose of this section is to clarify ACF’s intent with respect to the severability of the provisions of this NPRM. As explained above, ACF is removing sections of the RHY regulations because we determined that doing so would make the regulations clearer, less burdensome, and more accessible to the public. To the extent that any portion of the removals are declared invalid by a court, ACF intends for all other provisions of this final rule to remain in effect to the greatest extent possible to ensure that the FVPSA regulations remain as concise and accessible as possible. The changes address a variety of issues relevant to the Office of Family Violence Prevention and Services, the ACF office responsible for implementing FVPSA. None of the provisions contained herein are central to an overall intent of the proposed rule, nor are any provisions

being removed in this final rule dependent on the validity of other, separate provisions.

IV. Summary of Public Comments

HHS published an NPRM in the **Federal Register** on April 6, 2026, (91 FR 17239) proposing revisions to 45 CFR part 1370. HHS 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, HHS received 56 comments posted on *www.regulations.gov* and 4 comments via email, totaling 60 comments. Of those comments, 57 were unique and 3 comments were duplicate comments. HHS received comments from 10 State Domestic Violence Coalitions; 1 state; 4 tribes and tribal organizations; resource centers; national and local organizations; and 10 individuals. Some organizations submitted more than one unique comment.

Public comments reflected a range of perspectives, with some commenters expressing general or mixed support for the proposed rescissions and most commenters opposing the proposed rescissions. All comments were reviewed and informed our development of the final rule.

To support the analysis of public comments, HHS used a large language model, a type of artificial intelligence (AI), as a tool to conduct an initial scan of comment content, sentiment, and language. The AI output was thoroughly analyzed and refined by content experts. All comments were reviewed by OFVPS staff to determine each commenter’s support or opposition toward the policies proposed in the NPRM.

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

Four comments expressed overall support for the proposed rescissions in the NPRM but did not generally discuss specific provisions or make any suggestions for change. Some commenters raised concerns about removing sections of the FVPSA regulation that were not included in the NPRM, such as 45 CFR 1370.4. ACF intends to remove only the sections

included in the NPRM and will not address comments that raise concerns about other sections that will remain in regulation. Some comments expressed opposition to the proposed changes but made no specific suggestions for change. We address the general concerns raised in those comments in this section, as well as general themes raised by commenters opposing the changes who also cited to specific regulation sections. Comments addressing specific sections of the regulation proposed for removal are discussed in the section-by-section analysis later in this final rule.

First, several commenters argued that the provisions proposed for removal that we flagged as duplicative do more than restate statute. Commenters stated that the existing regulatory text provides interpretive clarity, cross-cycle stability, and transparency, particularly where the regulation reflects longstanding program practice or explains how statutory provisions operate in practice.

We acknowledge the necessity of providing stakeholders with clarity beyond the statutory language but contend that this clarifying language is better suited for formats other than regulation, such as in NOFOs or Supplemental Terms and Conditions. As such, this concern does not justify a change in ACF's proposed rescissions.

Second, many commenters argued that moving significant material from regulation to notices of funding opportunity, terms and conditions, or other guidance documents would increase rather than reduce burden. This concern was raised mainly by smaller organizations, culturally specific organizations, Tribal organizations, and other entities without dedicated compliance staff.

We recognize that shifting explanatory language from FVPSA regulations to grant and guidance documents represents a change in ACF practice and may present questions for organizations with fewer resources. We maintain that the proposed rescissions will ultimately decrease compliance burdens and costs and make FVPSA program requirements easier to understand. Nonetheless, in recognition of the challenges associated with moving guidance language out of regulation, ACF will offer additional training and technical assistance on program compliance to grant recipients, with a special emphasis on smaller organizations, culturally specific organizations, Tribal organizations, and other entities without dedicated compliance staff, if requested and to the extent necessary.

Third, several commenters raised legal concerns, asserting that regulatory

text has legal force and public accountability that sub-regulatory guidance and grant documents lack. These commenters urged ACF to preserve in regulation any provision that has substantive interpretive significance or affects grant recipient expectations across funding cycles.

Commenters correctly pointed out that regulations that have undergone notice and comment carry more legal weight than sub-regulatory guidance. We disagree, however, that removing these sections from the FVPSA regulations will decrease public accountability or impact grant recipient expectations. Three of the sections proposed for removal, 45 CFR 1370.30–32, discuss requirements for FVPSA discretionary grants. All discretionary grants are announced via NOFOs, which include all relevant program requirements. While NOFOs do not carry the weight of regulation, they explain program requirements in a clear, concise way. NOFOs are not only publicly available for all interested stakeholders to review (*see grants.gov*), but all grant applicants must fully review them to understand requirements of and apply for federal discretionary grants. Including all relevant interpretations of FVPSA statute in NOFOs rather than in regulation ensures that applicants and recipients can easily access and understand ACF's approach.

Many FVPSA grants are non-discretionary and may not post NOFOs. Nonetheless, the sections of regulation slated for removal that impact non-discretionary grants, 45 CFR 1370.1, 1370.3, and 1370.6, do not include content that goes beyond statutory language in a meaningful way. They do not provide substantive interpretive significance or provide insight that significantly informs grant recipient expectations. Commenter concerns about the legal weight of the content in these regulations are therefore unfounded, and we decline to make changes to ACF's proposed rescissions on this basis.

Fourth, Tribal commenters and Tribal-serving commenters emphasized that removal of the targeted provisions could have practical implications for Tribal communities. For example, one comment from an organization representing Tribal members and other organizations expressed concern that the proposed rescissions, particularly of 45 CFR 1370.32 (addressing requirements for the National Domestic Violence Hotline), could negatively impact Tribal members' ability to access domestic violence services in their native languages. Specific concerns

about the removal of each section will be discussed further below. Multiple Tribal organizational commenters also requested tribal consultations to address concerns related to the proposed rescissions.

We acknowledge that Tribes and Tribal organizations face unique challenges in responding to domestic violence, family violence, and dating violence and understand the importance of clear, consistent guidance for FVPSA grant recipients serving Tribes. Nonetheless, ACF maintains that the proposed rescissions will not impact these organizations' ability to effectively carry out FVPSA grants. As discussed above and in further detail below, all discretionary grant obligations will be included in NOFOs, leaving grant applicants and recipients with no confusion about program requirements. Discretionary program requirements in 45 CFR 1370.30–32 that particularly impact Tribes are all rooted in statute, so moving the relevant language from regulation to NOFO is unlikely to limit enforceability. *Compare, e.g.*, 45 CFR 1370.32(c)(v) (requiring a plan for providing services to Limited English Proficient callers to the National Domestic Violence Hotline) with 42 U.S.C. 10413(e)(2)(E) (requiring the Hotline provider to “provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities,” with “underserved populations” defined to include populations with language barriers). ACF also commits to increasing training and technical assistance to Tribes and Tribal organizations as needed to ensure that the proposed rescissions do not cause confusion about FVPSA program requirements among Tribes.

We also acknowledge Tribal commenter requests for tribal consultations but disagree that tribal consultation is necessary in this circumstance. 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.” *Consultation and Coordination With Indian Tribal Governments*, 65 FR 67249. Similarly, ACF's Tribal Consultation Policy says that consultation is triggered for any legislative proposal, new rule adoption, or other policy change that significantly affects Tribes, meaning there exists a

reasonable presumption that it has or many have substantial direct effects on one on more Indian tribes, on the relationship between the Federal Government and 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. See Administration for Children and Families, Tribal Consultation Policy 9–10 (Aug. 18, 2011), https://acf.gov/sites/default/files/documents/ana/final_acf_tcp_8_18_11.pdf. Based on the limited impact that this rescission will have on Tribes, while we welcome input from Tribal partners and will incorporate it into ACF's implementation of this rule, we decline to make any changes to the proposed rule based on these comments.

VI. Section-by-Section Analysis and Response to Comments

Most comments received included specific concerns about removing particular sections of the FVPSA regulations. Below, we identify each section, summarize the comments, and respond to them accordingly.

Subpart A—General Application Procedures

§ 1370.1 What are the purposes of the Family Violence Prevention and Services Act Programs?

The final rule removes this section because it is unnecessary. This regulation section articulates the general purpose of FVPSA grants but merely summarizes the programs funded by the Act. It imposes no obligations on grant recipients or applicants, nor does it give any guidance on how to interpret relevant statutory language. We will remove this section because its content could assist grant applicants and recipients more effectively in the introduction to a NOFO or in sub-regulatory guidance distributed by ACF.

ACF received 22 comments about the proposed removal of this section. Three commenters supported removal, noting that the section repeats information already covered in funding announcements or other guidance. One comment supported the removal in part and opposed in part, agreeing that duplicate provisions should be removed but urging that replacement guidance must be easy to find. The remainder of the commenters opposed the removal.

Comment: Several commenters, including State Domestic Violence Coalitions (SDVCs), national nonprofit organizations, and culturally specific organizations, opposed removal of

§ 1370.1 noting that the section provides a concise statement of the overall purposes of FVPSA and helps readers understand the structure of the program. These commenters stated that the section gives useful visibility to program components such as State Domestic Violence Coalitions and specialized services for abused parents and their children (SSAPC), programs that are not explicitly discussed in the “purpose” section of the FVPSA statute. See 42 U.S.C. 10401. Multiple commenters argued that purpose statements are important for understanding and interpreting regulations. Some commenters further stated that removing the section could make information about FVPSA's intent less accessible to members of the public, prospective applicants, and newer grant recipients.

Response: ACF appreciates the comments asserting the informational value of § 1370.1. We agree that a clear summary of FVPSA's purposes assists grant applicants, recipients, subrecipients, and the public. However, the overview of FVPSA purposes at § 1370.1 is not necessary to establish binding regulatory standards because it does not create independent rights or obligations and largely summarizes statutory purposes. The Secretary's authority under 42 U.S.C. 10404(a)(4) includes determining what regulatory provisions are reasonably necessary to carry out FVPSA. After consideration of the comments, ACF has determined that the general program-purpose statement is better maintained outside regulations in public-facing materials, including grant documents such as NOFOs and programmatic guidance documents.

Comment: Several commenters expressed concern that removing this section would increase administrative burdens on grant applicants, recipients, and members of the public by dispersing basic information across multiple sources. These commenters argued that removing this section will require stakeholders to consult multiple documents to identify basic program purposes and structure. These commenters recommended retaining the section or ensuring that the same information remains readily available.

Response: We appreciate commenters' concerns about transparency and navigability. Basic information about FVPSA's purpose remains readily available to the public, including to grant applicants and recipients, on ACF's website, NOFOs, and current guidance documents. See Office of Family Violence Prevention and Services, <https://acf.gov/ofvps>. As explained above, 45 CFR 1370.1

imposes no requirements on grant recipients and serves only to summarize FVPSA's goals. Stakeholders are not burdened by the removal of this section. Additionally, much of § 1370.1 is included in FVPSA's statutory purpose section, 42 U.S.C. 10401. We decline to make changes to the proposed rescissions based on this comment.

Comment: Several commenters, including SDVCs, raised distinctions between the FVPSA statute's purpose section at 42 U.S.C. 10401 and the purpose section in the FVPSA regulations at 45 CFR 1370.1. Specifically, these commenters noted that the statute does not list SDVCs and SSAPC as part of the program's purposes. These commenters emphasized the importance role that SDVCs and SSAPC play in fulfilling FVPSA's goals and expressed concern that removing this section from regulation would minimize their importance.

Response: We acknowledge the distinction between the statutory and regulatory purpose sections and agree that SDVCs and SSAPC represent crucial elements of FVPSA. ACF considers these programs to be integral to FVPSA even though they are not explicitly mentioned in 42 U.S.C. 10401. Nonetheless, we decline to make changes to the proposed plan for removal of this section because the FVPSA statute and the remaining sections of the FVPSA regulations sufficiently communicate these programs' importance. Both programs are required by statute. See 42 U.S.C. 10411 (SDVCs), 10412 (SSAPC). The FVPSA regulations further explain the importance of SDVCs at 45 CFR 1370.20(a), a section that remains unaffected by this rescission. We disagree that removing § 1370.1 erodes the importance of these programs.

Comment: Some Tribal organization commenters noted that Tribal programs use the regulation, with emphasis on the purpose section, as a statement of federal policy to explain their federal mandate to Tribal governments and to request support. They emphasized that funding announcements (NOFOs) do not serve the same function or carry the same weight as official regulations.

Response: We acknowledge commenters' concern and appreciate efforts to educate Tribal governments about Federal obligations under FVPSA. However, because this section does not introduce any concrete requirements, removing this section will not result in any decrease in authority. Tribal organizations and other advocacy organizations can rely on other publicly available information about FVPSA, as

well as the purpose section of the FVPSA statute (42 U.S.C. 10401) to educate the public, including Tribal governments, about obligations under FVPSA. The content in this section can be—and already is—readily available outside of regulation. Accordingly, we maintain our decision to remove § 1370.1 from regulation.

Comment: One commenter highlighted the importance that purpose sections serve in regulations because of the context that they provide for the rest of the regulation. This commenter argued that purpose sections are required under the Administrative Procedure Act (APA) at 5 U.S.C. 553(c), citing *Halo v. Yale Health Plan, Dir. of Benefits & Records Yale Univ.*, 819 F.3d 42, 52 (2d Cir. 2016).

Response: While we recognize that purpose sections can be useful to orient readers to the goals and context in regulations, we disagree that they are necessary. We also disagree that they are required under the APA and maintain that the commenter has misinterpreted the statute and the cited case law. 5 U.S.C. 553(c) requires agencies to “incorporate in the rules adopted a concise general statement of their basis and purpose.” Yet, this requirement refers not to a literal purpose section of regulation but broadly to the regulation’s preamble upon publication. See *Halo*, 819 F.3d at 52. Courts turn to the preamble to determine the agency’s intent in drafting the regulation. See *id.*; *Udall v. Tallman*, 380 U.S. 1, 16 (1965). Because this rescission includes a preamble and because the 2016 Final Rule’s preamble remains instructive for the remaining sections (see Family Violence Prevention and Services Programs, 81 FR 76,446 (Nov. 2, 2016)), this rescission aligns with APA requirements.

§ 1370.3 What Government-wide and HHS-wide regulations apply to these programs?

45 CFR 1370.3 is removed because it is duplicative. It imposes no new obligations and offers no new guidance because the authority and requirements are pulled directly from other statutes and regulations. 45 CFR 1370.3 lists Government-wide and HHS-wide regulations that apply to FVPSA grant recipients and subrecipients. The cited regulations apply to grant recipients and subrecipients regardless of whether they are listed in the FVPSA regulations, so their inclusion in the FVPSA regulations creates no additional authority. We remove this section because it serves no purpose other than to repeat requirements that are available elsewhere. Further, the list of

authorities included at 45 CFR 1370.3 is not an exhaustive list of all Federal regulations that apply to grant recipients and subrecipients, making its inclusion in the FVPSA regulations not merely duplicative but potentially confusing. See Family Violence Prevention and Services Program, 80 FR 61890, 61896 (proposed Oct. 14, 2015).

ACF received more than 40 comments about removing the section with most comments opposing the change and two comments supporting removal. One supportive comment agreed that the section repeats information from other documents and may cause confusion because it only lists some applicable regulations, not all of them.

Comment: Several commenters, including SDVCs and national advocacy organizations, opposed removal of § 1370.3 because they asserted that it functions as a centralized roadmap to commonly applicable federal requirements. These commenters stated that the section is especially useful to small organizations, first-time grant recipients, rural organizations, culturally specific organizations, and Tribal entities that may lack dedicated grants management staff.

Response: We agree that grant recipients and subrecipients benefit from a clear and centralized explanation of generally applicable federal requirements. We do not agree, however, that those authorities must remain in Federal regulation in order to remain binding or enforceable. The authorities listed in § 1370.3 apply by their own force whether or not they are reproduced in the FVPSA regulations. We also note, as stated above, that the list of relevant Federal requirements at § 1370.3 is not exhaustive and may create confusion if readers assume omitted authorities do not apply. Accordingly, the final rule removes and reserves § 1370.3.

Comment: Some commenters argue that removing this section from regulation increases compliance burdens for FVPSA grant recipients. Several commenters argued that, although § 1370.3 may not create independent obligations, it reduces burden by consolidating frequently applicable requirements in one place. These commenters stated that removing the section would increase the time and expertise required to identify applicable requirements and could increase audit or monitoring risk. Commenters were concerned about compliance risks, saying the removal increases the chance that organizations will accidentally break rules, face audit problems, have costs rejected, and need to create corrective action plans, especially

organizations with limited resources. One SDVC commenter said that State and Territorial administrators often reference § 1370.3 in their agreements with local programs to cover all applicable government-wide and HHS-wide regulations instead of listing each one separately.

Response: We acknowledge this concern and agree that the underlying information should remain easy to locate. Recipients of Federal Financial Awards are already required to ensure their compliance with preexisting obligations, like nondiscrimination laws or the requirement to not work with prohibited vendors. These requirements are outlined in NOFOs, ACF Terms and Conditions applicable to discretionary grant recipients, and Supplemental Terms and Conditions applicable to FVPSA formula grant recipients. See Award Terms and Conditions, <https://acf.gov/grants/manage-grant/grant-award/award-terms>. ACF will continue to offer technical assistance for FVPSA applicants, recipients, and subrecipients to ensure that all grant recipients and subrecipients can effectively comply with relevant law. We conclude that this approach better addresses commenter concerns than retaining a non-exhaustive regulatory list.

Comment: Several commenters argued that regulatory text has greater legal transparency and accountability than guidance documents and expressed concern that moving this content outside regulation would reduce public visibility into compliance expectations.

Response: We recognize the distinction between binding regulations and nonbinding guidance. ACF is not shifting any independently binding requirement from regulation to guidance through this action. Rather, the final rule removes a list of authorities that continue to apply to all FVPSA grant recipients and subrecipients. ACF will continue to identify these authorities in public guidance materials for transparency and ease of access. Accordingly, the final rule removes and reserves § 1370.3.

§ 1370.6 What requirements for reports and evaluations apply to these programs?

45 CFR 1370.6 is removed because it is unnecessary and better suited to a different format such as sub-regulatory guidance or inclusion in a NOFO. 45 CFR 1370.6 addresses requirements for reports and evaluations for FVPSA formula grants. The first part of the regulation merely restates the reporting requirement listed in the FVPSA statute at 42 U.S.C. 10406(d). The rest of the regulation does not impose an

obligation on grant recipients, but rather, clarifies that Territorial governments must also submit a performance report unless they consolidate FVPSA funds with other HHS funds in a Consolidated Block Grant under 45 CFR part 97, in which case they do not need to submit a performance report. ACF initially added this clarifying language to address earlier questions about reporting requirements for Territorial grant recipients. *See* Family Violence Prevention and Services Program, 80 FR 61890, 61899 (proposed Oct. 14, 2015). Territories that have consolidated FVPSA funds with other HHS funds in a Consolidated Block Grant are bound by 48 U.S.C. 1469a and 45 CFR part 97 and are already on notice that they do not need to submit a separate performance report for FVPSA compliance.

This section of the regulation is unnecessary because grant recipients and subrecipients are already informed about reporting requirements through existing NOFOs, the FVPSA statute, and other applicable law and regulations. Grant documents and sub-regulatory guidance are better suited than regulation to answer questions from grant applicants, recipients, and subrecipients, including Territories, about reporting obligations. Any remaining questions about FVPSA performance reports for grant applicants, recipients, and subrecipients are best addressed in sub-regulatory guidance which would also allow for more detail than the regulatory language includes. ACF received 23 comments on removing this section, most opposing its removal from regulation.

Comment: Some commenters acknowledged that the general reporting language in § 1370.6 duplicates reporting language in the FVPSA statute but opposed complete removal of this section because they maintained that the clarification about reporting for Territorial governments consolidating FVPSA funds under 45 CFR part 97 should be retained. These commenters asserted that the clarification reduces uncertainty and promotes consistent grant administration.

Response: We agree that FVPSA reporting requirements are sufficiently articulated in statute and need not be repeated in full detail in regulation. *See* 42 U.S.C. 10406(d) (State and Tribal formula grant reporting requirements), 10410(d) (National Resource Center and Training and Technical Assistance Center reporting requirements), 10411(g) (SDVC reporting requirements), 10412(e) (SSAPC reporting requirements), and 10413(f) (National

Domestic Violence Hotline reporting requirements). While the Consolidated Block Grant language is not included in the FVPSA statute, it is also rooted in statutory language at 48 U.S.C. 1469a. It is also included in Block Grant regulations at 45 CFR 97.16. While we acknowledge that § 1370.6 provided useful clarification for Territorial grant recipients when it was initially published, these grant recipients should now clearly understand their reporting requirements and expectations. As with other sections of regulation slated for removal, ACF is committed to increasing training and technical assistance as necessary to ensure that Territories that opt to consolidate their FVPSA funds with other HHS funds understand reporting requirements. Accordingly, the final rule removes and reserves § 1370.6.

Comment: Several commenters stated that even a short regulatory clarification can prevent confusion for Territorial administrators and other stakeholders, and that relying exclusively on annual guidance would make expectations less stable over time. Commenters expressed concern that removing § 1370.6 entirely will increase compliance burden and confusion.

Response: Grant recipients are already obligated to ensure compliance with requirements for receipt of federal funds, and training and technical assistance is available to address any confusion about reporting requirements. Reporting requirements are entirely based in statute, and concerns about inconsistency are therefore unfounded. We decline to leave a portion of this section in regulation and instead will remove and reserve § 1370.6 in its entirety.

Comment: Commenters wrote that this section was previously added to clarify reporting requirements and provided language needed to ensure consistency for State and Territorial administrators when they collect performance reports from local domestic violence programs. Several commenters noted that this section provides helpful guidance for Territorial governments trying to understand their reporting obligations. State Domestic Violence Coalition commenters argued that reporting can be challenging for grant recipients and that this regulatory language provides needed clarity and guidance, especially for smaller programs. Commenters were concerned that removal would create more confusion for both grant recipients and administrators, potentially creating more administrative work rather than less.

Response: We acknowledge the concern that the underlying information should remain easy to locate. Reporting requirements remain easy to locate in grant documents, including NOFOs, and in sub-regulatory guidance. Additionally, ACF remains committed to offering technical assistance for FVPSA applicants, recipients, and subrecipients to address any questions about reporting and evaluation requirements. We intend to provide training and technical assistance particularly for FVPSA grant recipients with fewer resources to accommodate concerns that arise from this final rule.

Subpart D—Discretionary Grants and Contracts

§ 1370.30 What National Resource Center and Training and Technical Assistance grant programs are available and what additional requirements apply?

45 CFR 1370.30 addresses requirements for National Resource Center and Training and Technical Assistance grants. It is removed from regulation because it is in part duplicative of statutory language and in part unnecessary. Most of the language in this section repeats requirements articulated clearly in statute and serves no purpose in regulation. *Compare* 42 U.S.C. 10410 with 45 CFR 1370.30.

Although much of § 1370.30 restates statutory language, even language that diverges from statutory requirements is not necessary to include in regulation. Conversely, other sections of the FVPSA regulation restate the authorizing statute in part but also include additional requirements not found in statute that are necessary for program operation. *See, e.g.,* 45 CFR 1370.10 (outlining requirements for State and Indian Tribal grants and describing consultation requirements for Tribes), 45 CFR 1370.20 (describing requirements for State Domestic Violence Coalitions and detailing the process through which ACF designates entities to serve as State Domestic Violence Coalitions). These regulatory sections are not impacted by this rulemaking and remain intact. In 45 CFR 1370.30, however, where regulatory language expands on or diverges from statutory language, such content can be shifted from regulatory text to NOFOs and other grant documents without impact. Indeed, all NOFOs must include all application requirements already, and agency expectations that differ from those listed in the statute are especially important to explain via grant application documents regardless of whether they are already located in regulation. In some cases, differences

between statutory and regulatory language are merely semantic. For example, the term “Culturally-Specific Special Issue Resource Centers” appears in the regulation at 45 CFR 1370.30(a)(4) but not in statute, but using this term rather than the corresponding statutory language at 42 U.S.C. 10410(b)(2)(E) has no impact on grant applicants or recipients because the regulatory term is effectively a summary of the statutory obligation to fund Resource Centers serving specific populations. Where the regulation section provides a more detailed description of program requirements than the statute, such description should be relocated to NOFOs. Indeed, this section already directs grant applicants and recipients to refer to the NOFO (here called a “Funding Opportunity Announcement”) for more information about application requirements, making any guidance provided by this section incomplete. See 45 CFR 1370.30(b).

HHS received 50 comments on removing this section. A few comments supported removal and most comments opposed removal.

Comment: Several commenters contended that this section provides important structure and framing for discretionary grant programs. Many commenters, including national advocacy organizations, culturally specific resource centers, service providers, and SDVCs, opposed removal of § 1370.30 because it provides a stable regulatory framework for National Resource Center and Training and Technical Assistance grants. These commenters stated that the section identifies major grant categories and signals enduring ACF expectations beyond a single grant cycle.

Response: ACF appreciates the concerns raised by commenters. We maintain, however, that the level of detail in this section is not necessary for inclusion in regulation and is better suited for NOFOs. The FVPSA statute already provides sufficient framework for understanding the structure and general requirements of these discretionary grants at 42 U.S.C. 10410, and the additional context in this section of the regulation can be moved to NOFOs without consequence.

Comment: Some Tribal commenters urged retention of this section in part because it includes provisions relevant to grants impacting Tribes. Tribal commenters and Tribal-serving commenters placed particular emphasis on retaining provisions relating to the National Indian Resource Center and State resource centers serving Native American, Alaska Native, and Native Hawaiian communities. These

commenters stated that removal of those provisions could diminish the visibility and stability of Tribal-focused resource centers and coordination expectations.

Response: ACF understands the concerns expressed by these comments and agrees that Tribal-focused resource centers must remain visible and well-supported. Yet, any differences in language between 42 U.S.C. 10410 and 45 CFR 1370.30 concerning services for Native American, Alaska Native, and Native Hawaiian communities are largely technical and semantic. The proposed rescission of this section has no substantive effect on these programs, nor does it impact the ability of Tribal populations to receive grants or services. We do not anticipate removal of § 1370.30 to negatively impact FVPSA services to Tribes. Accordingly, the final rule removes and reserves § 1370.30 in full.

Comment: Some commenters stated that removing this section would shift too much information to annual notices of funding opportunity. Several commenters argued that shifting all information from § 1370.30 to NOFOs would require applicants to track potentially changing terminology and requirements from cycle to cycle and would impose disproportionate burden on smaller applicants. Commenters also warned that relying only on NOFOs to explain statutory requirements for these programs would allow culturally specific resource center funding to be re-defined, combined with other programs, or made less of a priority in future years without public input.

Response: We acknowledge concerns about increased reliance on NOFOs for FVPSA discretionary program guidance but disagree that eliminating § 1370.30 and ensuring that its language is included in NOFOs will result in the purported harms. All FVPSA discretionary grant applicants must already thoroughly review annual NOFOs; removing this guidance from regulation does not create any additional burden. NOFO language already changes annually, and grant applicants are expected to carefully review NOFOs for any changes; removing § 1370.30 from regulation will not increase this responsibility. ACF also posts FVPSA program guidance on its website (see Office of Family Violence Prevention and Services, <https://acf.gov/ofvps>), so grant applicants can readily identify current requirements.

Additionally, commenter concerns about the erosion of culturally specific resource centers are unfounded. Although the statute does not include the term “culturally specific,” it

requires that ACF fund “3 specific resource centers, enhancing domestic violence intervention and prevention efforts for victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.” 42 U.S.C. 10410(b)(2)(E). Moreover, despite some commenter explanations that culturally specific special issue resource centers are distinct from the special issue resource centers enumerated in statute, ACF has made no such distinctions in the 2016 FVPSA final rule or elsewhere; indeed, the FVPSA statute is so specific that ACF lacks the authority to create a new category of resource centers beyond those listed in the statute. As such, ACF clarifies that the culturally specific resource centers referenced in § 1370.30 are the same as the special issue resource centers referenced in statute at 42 U.S.C. 10410(b)(2)(E). ACF has no discretion to deprioritize or eliminate these grants, and removing this section from the FVPSA regulations will not change the statutory obligation to fund the grants. Accordingly, we will proceed with removing this section.

Comment: A number of commenters noted that certain terms used in the regulation, including references to culturally specific resource centers, reflect longstanding field usage and provide helpful clarity to the public even when the statutory language differs and includes less recognizable terms.

Response: ACF acknowledges the importance of using commonly understood terms in program guidance, but maintains that NOFOs present an appropriate substitute for this section for the purpose of ensuring that grant applicants and recipients understand the statutory language at 42 U.S.C. 10410(b)(2)(E) concerning specific issue resource centers delivering culturally and linguistically relevant services refers to “culturally specific” services. Placing additional terms in NOFOs, grant documents, and sub-regulatory guidance documents is practical because applicants must already review these documents when they apply for discretionary FVPSA grants. Any additional explanatory terminology needed for specific funding cycles may also be addressed through NOFOs and guidance. Accordingly, the final rule removes and reserves § 1370.30 in full.

Comment: Some commenters argued that this section is not duplicative of statute because there are requirements for expertise, capacity, and quality assurance that are only in the regulation

and not in the FVPSA statute. They asserted that removing this section would eliminate the only requirement that organizations must have the right qualifications and experience to run funded programs.

Response: We appreciate commenter concerns about ensuring that FVPSA grant recipients have sufficient experience and qualifications to implement these grants but maintain that the FVPSA statute includes eligibility requirements sufficiently similar to regulatory requirements to uphold quality assurance. For example, under 42 U.S.C. 10410(c)(3), applicants for “special issue resource centers concerned with racial and ethnic minority groups” must demonstrate, in part, “documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant” and have “a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.” 42 U.S.C. 10410 lists similar eligibility requirements for the other grants funded under this section. Eliminating § 1370.30 therefore will not impact ACF’s commitment to ensuring that grant recipients are sufficiently qualified; the FVPSA statute demands such qualifications.

Comment: Many commenter focused on “culturally specific special issue resource centers.” Commenters explained that these organizations have deep expertise built through years of working directly with specific communities, citing research showing that survivors from these communities do better when they get help from providers who share their language and culture and have relationships in their community. Commenters stressed that mainstream providers cannot replace the understanding, trust, and community connections that culturally specific organizations have built.

Response: As explained above, removing § 1370.30 from regulation does not impact ACF’s statutory obligation to fund culturally specific special issue resource centers even if the statute uses a different term for these programs. ACF does not intend to alter its commitment to funding these programs, nor does it intend on diverting from its statutory obligations. Accordingly, the final rule removes and reserves § 1370.30 in full.

§ 1370.31 What additional requirements apply to grants for specialized services for abused parents and their children?

Like 45 CFR 1370.30, 45 CFR 1370.31 is removed from FVPSA regulation because it is in part duplicative of statutory language and in part unnecessary. This section addresses requirements for specialized services for abused parents and their children (SSAPC) grants. Most of the language in this section repeats requirements articulated clearly in statute and serves no purpose in regulation. *Compare* 42 U.S.C. 10412 *with* 45 CFR 1370.31.

As in § 1370.30, much of this section restates statutory language from 42 U.S.C. 10412, and even language that diverges from statutory requirements is not necessary to include in regulation. Where the section provides a more detailed description of program requirements than the statute, such descriptions can be seamlessly relocated to NOFOs, other grant documents, and sub-regulatory guidance without negatively impacting stakeholders.

ACF received 43 comments on the removal of § 1370.31 from regulation. Some comments supported removal and most comments opposed the change.

Comment: Several commenters, including State coalitions, national organizations, service providers, and government commenters, opposed removing § 1370.31 because they stated that it contains regulatory safeguards and clarifications not found in identical form in the statute. Commenters emphasized provisions concerning confidentiality, developmentally appropriate and culturally and linguistically appropriate services, training for professionals working with children, unnecessary referrals to child protective services, precautions to avoid discouraging victims from seeking help, and avoidance of practices that place inappropriate burdens on non-abusive parents. Commenters representing Tribal communities emphasized the importance of these regulatory requirements for American Indian and Alaska Native families, which have a history of higher rates of forced removal of children from their homes. Commenters were concerned that removing this section could bring back the problem of penalizing non-abusing parents for family violence and could lead to service delays or unmet needs for families.

Response: We acknowledge commenter concerns and recognize that some of the language in § 1370.31 is unique to the FVPSA regulation and does not explicitly appear in the

corresponding statutory section at 42 U.S.C. 10412. Nonetheless, we maintain that all regulatory language that differs from statutory language is either addressed sufficiently elsewhere in statute or regulation or may reasonably be moved to NOFOs without impacting program effectiveness. For example, § 1370.31(b)(1)(iv) requires grant recipients and subrecipients to demonstrate that they will respond appropriately to abused parents who choose to or must engage with abusive partners/parents. This requirement does not appear in statute or elsewhere in regulation, but because it derives squarely from the statutory requirement “to provide services for nonabusing parents to support those parents’ roles as caregivers” (*see* 42 U.S.C. 10412(d)(1)(B)), moving the language to NOFOs is appropriate. Accordingly, the final rule removes and reserves § 1370.31.

Comment: Some commenters acknowledged that some provisions in § 1370.31 are duplicative of statutory language and need not remain in regulation and suggested that some application-format requirements or funding-threshold details could be addressed through notices of funding opportunity. Some of these commenters believed that other provisions of § 1370.31 were still necessary to keep in regulation.

Response: We agree that lists of application components, such as the list that appears at 45 CFR 1370.31(b), are better suited to NOFOs than to regulation. These requirements are also generally already articulated in statute at 42 U.S.C. 10412. We disagree that any of the provisions in § 1370.31 must remain in regulation for the reasons articulated above and further below. Accordingly, the final rule removes and reserves § 1370.31.

Comment: Commenters highlighted § 1370.31(b)(2), which requires applicants to show they can provide or partner with organizations that provide direct counseling, services, and advocacy for victims and their children. This includes coordination with child welfare, schools, healthcare providers, home visitors, family courts, and other systems that serve children. Commenters noted that the 2016 final rule acknowledged that this language is not in statute, but is consistent with the law’s intent and “reflects the realities of multiple systems which support children and their non-abusing parent.” Commenters were concerned that removing this regulation could cause confusion about whether grantees can continue these partnerships. One commenter noted this change would

work against efforts to reduce unnecessary removal of children from homes and placement in foster care.

Response: ACF acknowledges commenters' concerns but disagrees that removing this provision from regulation will limit grant recipient and subrecipient ability to partner with community organizations. Implementation across all FVPSA programs relies heavily on collaboration with other systems, including the child welfare system, courts, schools, and nonprofit organizations. We do not anticipate that removing this section from regulation will cause grant recipients and subrecipients to question whether they can enter partnerships with appropriate entities. Nonetheless, we maintain that placing the highlighted language in NOFOs and sub-regulatory guidance documents will ensure that grant recipients and subrecipients fully understand the availability of partnerships. Additionally, language in statute already requires coordinating child welfare services to navigate family, domestics, and dating violence at 42 U.S.C. 10412(d). To the extent that it is requested, ACF will provide technical assistance to grant recipients concerning this matter. We decline to make any changes to our proposal to rescind this section based on these concerns.

Comment: Commenters stated that removing this section entirely would increase administrative burden. Several commenters argued that smaller organizations rely on the regulation as a stable source of requirements and that removal would force applicants to reconstruct the program's expectations from changing grant materials.

Response: ACF acknowledges the commenters' concern. Yet, as explained above, all grant applicants must fully review NOFOs, so consolidating all grant requirements in one central location will ultimately reduce burden. Because grant applicants must annually review NOFOs and be aware of any changing application requirements, moving this section to NOFOs from regulation imposes no additional burden. Additionally, ACF will make additional training and technical assistance available to any grant applicant with questions about SSAPC requirements, with a special emphasis on smaller grant applicants. Accordingly, the final rule removes and reserves § 1370.31.

§ 1370.32 What additional requirements apply to National Domestic Violence Hotline grants?

Like 45 CFR 1370.30 and § 45 CFR 1370.31, 45 CFR 1370.32 is removed

from regulation because it is in part duplicative of statutory language and in part unnecessary. This section addresses requirements for National Domestic Violence Hotline grants. Nearly all of the language in this section repeats requirements articulated clearly in statute and serves no purpose in regulation. *Compare* 42 U.S.C. 10413 with 45 CFR 1370.32. Where regulatory language expands on or diverges from statutory language, such changes, as explained below, are minor, and content can be shifted from regulatory text to NOFOs and other grant documents without negative consequences. Indeed, discretionary grant NOFOs must include all application requirements already, and agency expectations that differ from those listed in the statute are especially important to explain via grant application documents regardless of whether they are already located in regulation.

Comment: Commenters highlighted that § 1370.32 adds a definition of "telephone" to the regulatory text and asserted that the definition of "telephone" has continuing legal and operational significance. Many commenters opposed removal of § 1370.32 because the definition of "telephone" in § 1370.32(b) confirms that hotline services may be delivered through evolving technologies, including text, chat, video, internet-based platforms, and other communications methods. Commenters stated that this definition remains important to ensure that the hotline grant authority is interpreted consistently with current technology, and access to the hotline remains available where conventional voice-calls may be limited, impracticable, or less safe.

Response: We agree that callers to the National Domestic Violence Hotline must be able to reach service providers in ways that go beyond traditional voice calls and National Domestic Violence Hotline grant NOFOs have long emphasized this stance. As commenters noted, the FVPSA statute does not define "telephone." *See* 42 U.S.C. 10413. While we recognize the justification for including such a definition in the 2016 final rule, ACF maintains that technology has sufficiently evolved to support including the definition from § 1370.32(b) in NOFOs and sub-regulatory guidance without significant concern that lack of a regulatory definition will make inclusion in a NOFO unenforceable. Voice-only lines are no longer sufficient to adequately serve victims of domestic violence and victims of dating violence, particularly

because 42 U.S.C. 10413(e)(2)(F) requires grant recipients to serve youth victims, who may be unlikely to use a voice-only line. Therefore, while the statute does not appear to contemplate text, chat, video, or internet-based platforms, grant recipients and subrecipients must use such technology to effectively implement this grant. Accordingly, the final rule removes and reserves § 1370.32.

Comment: Several commenters emphasized that the regulation should continue to signal the importance of access for Limited English Proficient callers and callers with disabilities, including callers who are deaf or hard of hearing.

Response: Removing § 1370.32 from regulation will not impact the ability of Limited English Proficient callers or callers with disabilities to access National Domestic Violence Hotlines, nor will its removal de-emphasize the importance of access to services for these populations. The FVPSA statute already explicitly requires Hotline grant recipients to develop a plan for serving non-English speaking callers and individuals with disabilities, as well as other underserved populations. *See* 42 U.S.C. 10413(d)(2)(E), (e)(2)(E). Furthermore, the FVPSA nondiscrimination regulations remain intact at 45 CFR 1370.5 and prohibit discrimination against individuals with Limited English Proficiency and individuals with disabilities. 45 CFR 1370.5(e); these provisions are unaltered by this final rule.

Comment: Commenters stated that removal of this section would create uncertainty by shifting all requirements to annual notices of funding opportunity. Several commenters argued that Hotline grant recipients and applicants benefit from stable regulatory expectations and that complete reliance on NOFOs could create uncertainty about enduring baseline requirements.

Response: As explained above, applicants and grant recipients must already rely on annual NOFOs to determine program requirements, so moving this section to NOFOs does not increase stakeholder burden. Here, all requirements listed in § 1370.32 are also included in statute at 42 U.S.C. 10413. Accordingly, the final rule removes and reserves § 1370.32.

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 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. 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 would not have substantial direct impact on the States, on the relationship between the federal government and the States, or on the distribution of power and responsibilities among the various levels of government. This final rule would not pre-empt State law. The sections the final rule is removing are duplicative and unnecessary regulations from the Office of Family Violence Prevention and Services regulations. Therefore, in accordance with Section 6 of Executive Order 13132, it is determined that this action does not have sufficient federalism implications to 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 determined 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 the 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 “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 final rule only repeals duplicative 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.” *Consultation and Coordination With Indian Tribal Governments*, 65 FR 67249. Similarly, ACF’s Tribal Consultation Policy says that consultation is triggered for any legislative proposal, new rule adoption, or other policy change that significantly affects Tribes, meaning there exists a reasonable presumption that it has or may have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and 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 in 45 CFR Part 1370

Administrative practice and procedure, Child welfare, Domestic violence, Grant programs—Indians, Grant programs—social programs, Public assistance programs, Reporting and recordkeeping requirements, Technical assistance.

For the reasons set forth in the preamble, ACF amends 45 CFR part 1370 as follows:

PART 1370—FAMILY VIOLENCE PREVENTION AND SERVICES PROGRAMS

- 1. The authority citation for part 1370 continues to read as follows:

Authority: 42 U.S.C. 10401 *et seq.*

§§ 1370.1, 1370.3, 1370.6, 1370.30, 1370.31, and 1370.32 [Removed and Reserved]

- 2. Sections 1370.1, 1370.3, 1370.6, 1370.30, 1370.31, and 1370.32 are removed and reserved.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

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